

Middle School Implementation of State Bullying Legislation and District Policies

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Executive Summary

In 1999, Georgia became the first U.S. state to pass legislation that aimed to curtail bullying behavior in its public school systems. By March 2012, 49 states and the District of Columbia had enacted laws setting legal expectations for school districts to address bullying through the adoption of school-based bullying policies and procedures. In August 2010, the U.S. Department of Education and U.S. Department of Health and Human Services co-hosted the first Federal Partners in Bullying Prevention Summit, which brought together government officials, researchers, policymakers, and education practitioners to explore potential strategies to combat bullying in schools. This summit highlighted the need for more comprehensive information about the current status of state legislation, as well as information on how existing bullying laws and policies translate into practice within local school systems. To address this gap in information, the U.S. Department of Education initiated the *Analysis of State Bullying Laws and Policies* study, which was designed to answer the following questions:

- To what extent do states' bullying laws cover U.S. Department of Education-identified key legislative and policy components?
- To what extent do states' model bullying policies cover U.S. Department of Education-identified key legislative and policy components?
- To what extent do school districts' bullying policies cover U.S. Department of Education-identified school district policy subcomponents?
- How do schools implement components of state bullying laws in practice?

The study included two phases. The first phase involved a *legislative analysis* to review the content of state bullying laws, state model policies, and a selection of school district policies in large districts. The analysis was based on a framework conceptualized by the U.S. Department of Education (the Department) that identified 16 key components present in state bullying legislation. State bullying laws and state and district policies were evaluated on their *coverage* of these key components and on their overall *expansiveness*, defined as both the number of components covered in the law and the amount of detail and prescription of their provisions.¹

The second study phase was a *school data collection* involving site visits to 11 school districts and 22 middle schools in four U.S. states. The purposes of the school data collection were: to describe how schools were implementing components of their states bullying laws, to determine how differences in state legislation influenced school responses to bullying on school campuses, and to identify challenges and school supports associated with the implementation process. Site visits consisted of a series of semi-structured interviews with school and district personnel, including state education agency representatives, district administrators, school principals, vice-principals, school counselors, teachers, school security, yard supervisors, and bus drivers. Data collection bullying in public middle schools to compare implementation across similar school settings.

¹ See *Analysis of State Bullying Laws and Policies* at <http://www.ed.gov/rschstat/eval/bullying/state-bullying-laws/state-bullying-laws.pdf>.

The school data collection focused on answering the following questions:

- How did the legal frameworks that states established to address bullying vary across study states?
- How did school staff perceive bullying in their schools?
- How did these perceptions relate to the formal definitions of bullying in state bullying legislation and school policies?
- How did schools implement components of state bullying laws and school policies that address the identification of students who bully and the resolution of substantiated incidents?
- How did schools implement components of state bullying laws and school policies that address climate in schools related to the prevention and reduction of bullying behavior and the provision of safeguards and supports for targeted students?
- What were the challenges and supports associated with school bullying policy implementation?

Study methods and limitations

The school data collection focused on schools in four states. These four states were from different regions of the U.S., and they adopted different approaches to addressing bullying in their local school systems. Within these four states three districts were selected for study, and, within districts two middle schools were selected. The districts participating in the study included 11 medium and large districts, and the 22 middle schools that were diverse in ethnicity, language, and socio-economic composition. The study focused exclusively on public middle schools to allow for a comparison of policy implementation in schools serving students of similar ages. In the spring of 2012, researchers conducted structured interviews with 296 personnel, including state education agency representatives, district and school administrators, school counselors, school psychologists, teachers, school security staff, yard supervisors, and bus drivers. The districts, schools, and staff in this study were not representative samples, and therefore findings cannot be generalized beyond the sites under study and the interviewed respondents.

Key findings

- Teachers and other ground-level responders described bullying as a broad span of behaviors that ranged from isolated instances of physical, social, or verbal aggression or conflict to more deliberate and threatening forms of bullying or harassment that persisted over time. About half of all school personnel interviewed for the study said they responded to bullying incidents among their students on a weekly or daily basis.
- Unlike the broad interpretations of bullying described by school personnel, the definitions of bullying in school policies were more narrow and applied to the most persistent and dangerous manifestations of school bullying behavior.
- Teachers, counselors, and educational support staff reported challenges distinguishing between bullying and other forms of aggression and knowing when incidents warranted reporting to their school administration in compliance with the law. Teachers and other staff in study schools were not always aware of the specific details of their school bullying policies, though they knew the policies existed. School staff agreed that school efforts to communicate policy information and to raise awareness of bullying issues contributed to increased visibility and attention to the bullying issue.
- Training of school personnel varied across schools in terms of scope and content. Most staff training focused on how bullying was defined to facilitate reporting. Despite some opportunity for staff training in most study middle schools, staff did not appear to have been trained in, or to use consistent approaches to intervene in actual bullying situations. Rather, staff approached each situation based on what they thought appropriate to the situation. Staff consistently identified a need for training on how to intervene effectively in bullying situations and for ongoing training throughout the school year.
- School administrators and teachers identified school-based practices or characteristics of their schools' environments that facilitated policy implementation. These included strong school leadership, effective communication, a sense of collaboration among school and district staff, and school structures that helped cultivate relationships among faculty and students and that encouraged information-sharing and problem-solving to achieve resolution of incidents.

Study findings

How does the legal framework states establish to address bullying vary across study states?

The four states in the study were purposely selected to represent different legal frameworks that state legislatures used to address bullying in schools. Two of the four states centralized control over policy implementation at the state level, the third centralized control at the state level over some policy elements, and the fourth state permitted school districts flexibility to craft their own local policies. The two state bullying laws with strong state control orientations were more expansive, covering most or all key components identified in the U.S. Department of Education framework. The most expansive bullying law prescribed school policy elements through provisions in legislation

that outlined highly prescriptive mandates, including strict reporting and investigation timelines, accountability measures, and sanctions. The second expansive bullying law directed the State Educational Agency (SEA) to develop a model policy and regulation specifying policy elements that school systems were required to adopt. In contrast, the state with the strongest local control orientation set few expectations for schools, requiring school boards to adopt policies prohibiting bullying and to distribute them to all enrolled students and their parents and guardians.

State educational agency representatives identified advantages and disadvantages to centralization. The SEA administrator representing the state with the most expansive state bullying law believed that advantages of stronger state control included strengthening reporting and investigation procedures, providing greater accountability for schools as well as uniformity in procedures across schools, and increasing rights and protections for bullied students and their families. However, the interviewee noted that these often-extensive new legal requirements also placed substantial recordkeeping, reporting and investigation burden on schools. The SEA administrator from the strong local control state believed that advantages of local control included adapting policy to local needs, resources, and implementation contexts. However, the interviewee noted that the ability to monitor accountability at the state level or to assess whether or not state bullying laws were effective was much more limited.

How did school staff perceive bullying in their schools?

Study respondents described bullying in their schools as a broad span of behaviors that ranged from single incidents of less serious physical, social, and verbal aggression to more deliberate and severe forms of bullying or harassment that persisted over time. Respondents considered the less serious types of aggression, such as teasing, name-calling, or social exclusion to be endemic to the middle school setting.

About half of all school personnel (49 percent) said they responded to bullying incidents among their students on a weekly or daily basis, with 27 percent responding once or twice per week, 13 percent responding three to four times per week, and nine percent responding every day. School staff were involved in incidents of cyberbullying less frequently, with about 11 percent addressing acts of cyberbullying among students on a weekly or daily basis. Staff perceived bullying situations as encompassing a full range of aggressive or hurtful student interactions and noted that even less serious incidents were often physically or emotionally damaging to targeted students. When left unaddressed, staff reported that incidents often escalated into the more severe forms of victimization that are recognized as traditional bullying.

Contrary to the common perception of bullies as “bad kids” or perpetrators, school personnel interviewed for the study often perceived bullying as a learned behavior that was modeled in the students’ social and family environments. This perception was more widely held among study respondents in higher poverty school environments. These respondents believed that bullying and other lesser forms of aggression among students in their schools were a manifestation of underlying issues, such as stress or trauma, conflicting behavioral expectations between family and school life, social skills deficits, or other behavioral and emotional challenges. Staff did not believe that the hurtful interactions observed among students were done deliberately with the intent to harm, or that their middle schools students fully grasped the consequences of their behavior.

How did these perceptions relate to the formal definitions of bullying in state legislation and school policies?

The formal definitions of bullying in legislation and school policies provided the criteria that schools used to determine which behaviors were prohibited under law. The definitions of bullying in state laws and school policies, though varied, shared a common structure that defined bullying based on a set of prohibited actions, their underlying motivations, specific conditions surrounding the behavior (e.g., repetition or persistence, power differential) and the resulting harm to students and school learning environments. Identifying an incident as bullying was a predominant focus of legislation and school policy and practice because it determined who was protected under the law, who was subject to consequences, and how schools were required to respond to allegations.

As compared to the broad span of behavior that school personnel described as bullying, school policies defined bullying more narrowly focusing on the most persistent and dangerous manifestations of the behavior. This suggests that much of the observed interactions identified by school staff as a form of student bullying did not fall under the purview of state bullying laws or school policies. The gap between staff interpretations of what constitutes bullying behavior and definitions of bullying in school policy also contributed to staff challenges distinguishing between bullying as it was formally defined in school policies and other forms of student conflict.

How did schools implement components of state bullying laws and school policies that address the identification of students who bully and the resolution of substantiated incidents?

The predominant focus of school bullying policies was on the development of response procedures that were used to identify and substantiate incidents as bullying and to assign discipline for student misconduct, including occasional removal from the school environment. This emphasis on uncovering and resolving bullying incidents to stop behavior from reoccurring was reflected in a number of common components that comprise the response process and that were present in all four states' bullying laws and school policies. These components include: identifying bullying situations for purposes of reporting; reporting and investigating an alleged incident to substantiate it as bullying; applying disciplinary sanctions to punish students for their misconduct; and documenting substantiated incidents to support monitoring and accountability.

Identification of bullying incidents

Identifying incidents as bullying, and distinguishing between bullying and other types of student conflict, was a critical step in the response process because it triggered a series of actions that schools were required to take to comply with their state bullying law. School personnel experienced practical challenges distinguishing between bullying and others forms of student aggression that they observed or that were reported to them. This was due to the subtlety and complexity of interactions between students, the difficulty of discerning the intent of student behavior, and the practical limitations of what staff could observe or what was reported to them (e.g., the ability to determine whether an incident was part of a larger pattern). Even though school personnel were largely aware of their school bullying policies and were highly attentive to bullying issues among students, they could not always recall specific policy details, such as what criteria were used to define bullying behavior or under what circumstances incidents should be reported to the school administration. The pressures associated with this identification process were heightened in states with mandatory reporting requirements and sanctions for school personnel who failed to report suspected incidents. School staff in these states would often report any aggressive interaction among students as bullying regardless of whether it met definitional criteria in order to minimize potential liability. This led to

increased burden associated with the investigation process in states with more rigorous investigation procedures that were triggered by a report of bullying. The pressure to accurately identify bullying incidents was lessened in states where reporting was only mandated for incidents that could not be resolved through informal staff intervention, or in states where mandatory staff reporting was not required.

Reporting and investigations

Once an incident was suspected as bullying, it triggered the formal reporting and investigation process outlined in legislation and school policies. These expectations varied considerably in scope and degree of burden placed on schools, ranging from general statements concerning the need for reporting and investigation procedures to detailed mandates to establish formal complaint and investigation processes. These often involved structured interviews with bullies, targets, and witnesses, stringent timelines and accountability measures, and sanctions for non-compliance. These response procedures, regardless of their scope, provided a mechanism for schools to improve their capability to uncover and address the most serious forms of bullying and protect targeted students from harm.

Substantiating bullying incidents and assigning consequences for conduct violations

The purpose of the incident response process was to substantiate alleged incidents as bullying; although in practice, when legal definitions of bullying were applied to behavioral incidents, it resulted in relatively few confirmed cases. Six of sixteen schools in the study with state incident reporting requirements recorded no substantiated cases of school bullying in the study year.

In a majority of schools participating in this study, administrators reported assigning a range of punitive consequences (e.g., suspension, expulsion) to address bullying incidents. A few schools promoted the use of less punitive, more remedial approaches that were consistent with a supportive discipline orientation. School administrators in four of eleven schools that identified challenges associated with disciplinary consequences reported that the use of suspension and expulsion to address the bullying problem was often counterproductive. These administrators believed that removing students from school failed to address their underlying behavioral issues and that patterns of behavior often continued once students returned to school. One administrator reported that the bullying problem was too widespread to be effectively resolved through suspension and expulsion, and expressed concerns that removing them from school would expose students to safety risks in their home and neighborhood environments.

Documenting bullying incidents to support monitoring and accountability

School procedures for responding to allegations of bullying also often included formal processes for documenting and compiling incident reports, investigation processes, and school actions, and in some states, submitting data for review by local school boards or state agencies. These data monitoring activities supported several purposes including monitoring safety conditions in schools, supporting planning and decision-making to address future bullying issues, holding schools accountable to legislative and policy expectations, and protecting schools from liability. Schools and districts in the study were in the early process of formalizing reporting procedures. Interviews with respondents uncovered several data quality issues that contributed to inconsistencies in data reports and that limited comparability of data across school and district jurisdictions. These issues stemmed from differences in how prohibited behavior was defined across districts and how school staff implemented bullying response procedures, for example, when and how incidents were formally

reported, how they were substantiated by the school administration, and how schools applied disciplinary actions that were the basis for state reporting in some states.

How did schools implement components of state bullying laws and school policies that address climate in schools related to the prevention and reduction of bullying behavior and the provision of safeguards and supports for targeted students?

The predominant focus of most state bullying legislation and school policy was on the incident response process, with less emphasis placed on more preventive strategies targeting the larger school environment. However, to some degree, all states within the study addressed these other policy components, which included communication, professional development, school-based prevention, and access to mental health supports.

Communication

All schools in the study used strategies to communicate policy information to the school community, including publicizing policies in student and parent handbooks, codes of conduct, and other school communications; posting policies on websites; and presenting information at parent-oriented events. Schools also used a variety of strategies to communicate with students that ranged from reviewing codes of conduct to more visible, focused efforts to educate students about bullying and its impacts and to communicate behavioral expectations. School staff agreed that these efforts contributed to increased visibility and attention to the bullying issue. Still, respondents felt that understanding of bullying definitions and school procedures was limited among students and parents.

Professional development

School personnel training provided a mechanism for schools to convey expectations to school employees about their responsibilities under their state bullying law, and to provide guidance on how they should identify and respond to potential bullying situations. The bullying laws in two out of the four states studied set expectations for professional development, although all schools offered some form of training or review of school policies. These training approaches varied in content and intensity ranging from informal reviews of student codes of conduct to more structured, in-depth professional development activities. The focus of most professional development activities was on differentiating between behaviors that did or did not meet the formal definition of bullying to ensure staff compliance with the state bullying law.

Despite opportunities for training in most schools, staff in few schools (i.e., five of 22) believed that newly implemented bullying policies and practices had increased consistency in how personnel respond to bullying incidents. Instead, staff used varied approaches to identify and intervene in actual bullying situations based on what they thought was most appropriate. The most commonly reported intervention strategy involved bringing students together informally in an attempt to resolve bullying conflicts, which researchers have advised may contribute to further victimization of the targeted student (HRSA, 2011). The most common training need identified by staff across school sites involved professional guidance on how to effectively intervene to reinforce behavioral expectations and to mediate harm to bullying targets. School personnel also expressed a need for follow-up training to review and reinforce knowledge and skills gained through initial training sessions (e.g., knowledge of bullying policy or how to identify bullying behavior).

Prevention

Three of four study states had language in their state bullying law or state model policy addressing the need to implement prevention strategies or practices. One of the three states required implementation of prevention programs, while the other two state laws communicated broader expectations to address conditions for learning or school climate. Almost all districts and schools implemented bullying education and awareness-raising activities, usually implemented as one-time events. Schools also implemented classroom-based prevention curricula and youth leadership and peer mediation activities. Six districts were in the process of implementing more comprehensive whole-school interventions addressing behavioral supports and school-wide bullying prevention. School personnel saw this type of programming as having the greatest potential for improving bullying behavior. However, school staff reported challenges to implementation related to inadequate training, lack of fidelity in implementation, and inadequate resources. Prevention approaches, including awareness raising activities and whole-school prevention strategies, were typically funded through one-time sources or were reliant on cost off-sets from other funding programs. District and school administrators perceived resource availability as a continuing challenge.

Safeguards and supports of targeted students

State bullying laws have traditionally focused on school responses to students who violate rules of conduct, placing less emphasis on the mental health or social support needs of targeted students. However, experts on bullying prevention stress the importance of providing psychological supports for targets of bullying behavior and addressing factors that place students at risk for repeated bullying exposure (Sherer & Nickerson, 2010). The two states with more expansive legislation communicated legal expectations for schools to safeguard targeted students and to respond to their mental health and social support needs. In practice, school capacity to fulfill these legal expectations was constrained by staff resources. School and district administrators frequently reported that the mental health needs of targeted students could not be met due to the absence of qualified clinical counseling or support services staff. For many schools, this translated into mental health supports that were relatively unstructured, such as informal monitoring of students by school counselors or other concerned school personnel.

What were the challenges and supports associated with school policy implementation?

The changes to state legislation across states introduced a range of new expectations for schools to combat bullying in their local school systems. All school personnel interviewed for the study expressed strong support for this purpose and considered it an important school priority; however, there were several challenges that emerged as districts and schools moved to implement new policies and practices. Schools in states with more expansive legislation and greater legal expectations placed on schools perceived more substantial challenges to implementation and greater time and cost burden than states with fewer legal requirements.

District administrators whose roles focused on supporting school implementation and ensuring accountability to the law identified challenges addressing unresolved incidents, communicating with parents effectively, and managing concerns over school liability. District and school administrators also both noted challenges related to investigating and resolving cyberbullying incidents and other off-campus conduct. These challenges included a lack of clear guidance to determine when schools had jurisdiction over off-campus incidents, challenges obtaining information from the internet or social networking sites to substantiate bullying claims, and difficulty getting students to cooperate with an investigation due to concerns about loss of internet privileges.

School administrators who were often the primary staff responsible for investigating alleged incidents, expressed concerns about the inadequacy of consequences for bullying behavior and the need for alternatives to suspension and expulsion.

Teachers, counselors, and educational support staff who were the closest monitors of student interactions reported difficulty distinguishing for purposes of identification and reporting between the types of bullying incidents defined in school policies and other forms of verbal and social aggression. The procedures designed to facilitate the identification process, such as mandatory reporting requirements and formal complaint procedures, often introduced new challenges related to personnel time and cost.

School administrators and teachers also identified school-based practices or characteristics of their schools environments that facilitated policy implementation. These supports included strong school leadership, effective communication, a sense of collaboration among school and district staff, and school structures that helped cultivate relationships among faculty and students and that encouraged information-sharing and problem-solving to achieve resolution of incidents. These are also factors often associated with measurement of positive school climate and safe and supportive learning environments. Staff also cited the value of having well-trained school counseling and student support staff who could support reporting and investigation processes, promote effective use of behavioral interventions for aggressive students, and provide safeguards and mental health to students who were targeted.

Staff did not perceive cost to be a major barrier to implementing legislative expectations, although bullying laws in all four states were initially enacted as unfunded mandates. School and district administrators did express concerns about prioritizing bullying issues over other resource needs, such as classroom instruction and academic performance. This highlighted the perceived pressure placed on schools to meet competing policy objectives without adequate resources.

Conclusion

School bullying remains a highly visible and potentially challenging issue for school districts and an important policy focus for educators and state policy-makers. This study described this implementation process from the perspective of middle school personnel charged with translating new requirements in state bullying laws into feasible and practical actions for schools. School personnel in nearly all study schools credited the enactment of these new or amended state bullying laws with raising awareness of the bullying issue and heightening expectations for how schools must respond.

The emphasis of most state laws on how schools address bullying once it occurs has channeled significant resources into the development of school procedures that uncover the most serious, persistent, and potentially damaging forms of bullying aggression. Accordingly, respondents in half of all schools selected for the study agree that their capacities to detect and resolve these types of incidents had been clearly strengthened by these requirements. However, the way that bullying is defined in state legislation and school policy and the process of substantiating bullying incidents resulted in the identification of relatively few bullying cases in most schools, despite the fact that school personnel report responding to acts of bullying on a weekly or daily basis. This highlights a gap between what state legislation and school policies define as bullying behavior and what is addressed under law, and what school personnel confront on a daily basis in the form of hurtful and

aggressive interactions among students. This finding also points to the importance of the more school-wide policy elements of prevention, training, and student support that are featured less prominently in state bullying legislation, but that have the potential to address broader forms of aggression and the conditions within school environments that contribute to youth bullying involvement.

I. Introduction

In 1999, Georgia became the first U.S. state to pass legislation that aimed to curtail bullying behavior in its public school systems. By March 2012, 49 states and the District of Columbia had all enacted laws setting legal expectations for school districts to address bullying through the adoption of school-based bullying policies and procedures. This growth in anti-bullying legislation coincided with the emergence of new research concerning the negative effects of bullying involvement on children's social and emotional development and health, and the impact of bullying victimization on student achievement and school learning environments (Copeland, 2013; Nakamoto & Schwartz, 2010).

In August 2010, the U.S. Department of Education and U.S. Department of Health and Human Services co-hosted the first Federal Partners in Bullying Prevention Summit, which brought together government officials, researchers, policymakers, and education practitioners to explore potential strategies to combat bullying in schools. This summit highlighted the need for more concrete knowledge of the scope and content of bullying laws enacted across states and better understanding of how states and local school systems were implementing school policies and practices mandated under the new laws.

Study purpose

To address gaps in knowledge concerning the content of evolving school bullying law and the expectations for schools tied to new legislation, in January 2011, the U.S. Department of Education funded the *Analysis of State Bullying Laws and Policies* study, which was designed to answer the following questions:

- To what extent do states' bullying laws cover U.S. Department of Education-identified key legislative and policy components?
- To what extent do states' model bullying policies cover U.S. Department of Education-identified key legislative and policy components?
- To what extent do school districts' bullying policies cover U.S. Department of Education-identified school district policy subcomponents?
- How do schools implement components of state bullying laws in practice?

The study was included two phases. The first phase involved a *legislative analysis* to review the content of state bullying laws, state model policies, and a selection of school district policies in large districts. The analysis was based on a framework conceptualized by the U.S. Department of Education (the Department) that identified 16 key components present in state bullying legislation. State bullying laws and state and district policies were evaluated on their *coverage* of these key components and on their overall *expansiveness*, defined as both the number of components covered in the law and the amount of detail and prescription of their provisions.²

² See *Analysis of State Bullying Laws and Policies* available at <http://www.ed.gov/rschstat/eval/bullying/state-bullying-laws/state-bullying-laws.pdf>.

The second study phase was a *school data collection* involving site visits to 11 school districts and 22 middle schools in four U.S. states. The purposes of the school data collection were: to describe how schools were implementing components of their states bullying laws, to determine how differences in state legislation influenced school responses to bullying on school campuses, and to identify challenges and school supports associated with the implementation process. Site visits consisted of a series of semi-structured interviews with school and district personnel, including state education agency representatives, district administrators, school principals, vice-principals, school counselors, teachers, school security, yard supervisors, and bus drivers. Data collection focused exclusively on bullying in public middle schools to compare implementation across similar school settings. The school data collection communicated the experiences and perspectives of the educational professionals who were charged with the day-to-day implementation of legal and school policy requirements that aimed to improve the health and safety of students. The school data collection focused on answering the following questions:

- How did the legal frameworks that states established to address bullying vary across study states?
- How did school staff perceive bullying in their schools?
- How did these perceptions relate to the formal definitions of bullying in state bullying legislation and school policies?
- How did schools implement components of state bullying laws and school policies that address the identification of students who bully and the resolution of substantiated incidents?
- How did schools implement components of state bullying laws and school policies that address climate in schools related to the prevention and reduction of bullying behavior and the provision of safeguards and supports for targeted students?
- What were the challenges and supports associated with school bullying policy implementation?

The remainder of this chapter provides an overview of the study methods used to implement the school data collection. The chapter describes how the study team recruited study states, school districts, and middle schools into the study, discusses how site visit teams planned and conducted site visits and personnel interviews, summarizes the approach used to analyze qualitative interview responses, and discusses the limitations of the study design. Appendix A presents a more detailed discussion of the study methodology.

Study methods

The study team purposefully selected the four states in the study to represent regional diversity of the U.S. (i.e., West, South, Midwest, and East) and the diversity of states' bullying laws. Findings from the first *Analysis of State Bullying Laws and Policies* report, profiling the structure and content of bullying legislation current through May 2011, guided the state selection.

District and school selection

The proposed study design included three school districts and six middle schools (i.e., two middle schools selected from each district) from each state, totaling 12 districts and 24 schools. The districts represented urban, suburban, and town or rural contexts within each state. The final study sample

ultimately included 11 districts and 22 school sites due to challenges recruiting a rural school district in one state. Exhibit 1 profiles the demographic characteristics of each district. Overall, the selection included a mix of medium and large size districts that were diverse with regard to the socio-economic characteristics and race and language composition of their enrolled populations. Appendix B details the demographic characteristics of the middle school sites within the 11 districts that participated in the study.

Exhibit 1. Bullying implementation study sample: Enrollment characteristics of selected school districts by state, 2010–11

<i>State</i>	<i>District</i>	<i>Urbanicity</i>	<i>District size</i>	<i>District poverty</i>	<i>African-American</i>	<i>Hispanic</i>	<i>White</i>	<i>LEP/ELL</i>	<i>Special education</i>
<i>State A</i>	District 1	Urban	Large	High	91–100%	<10%	<10%	None	5–20%
	District 2	Suburban	Medium	Low	<10%	<10%	75–90%	≤5%	5–20%
	District 3	Town/Rural	Medium	Low	10–25%	<10%	50–75%	≤5%	5–20%
<i>State B</i>	District 4	Urban	Large	High	50–75%	25–50%	<10%	5–20%	5–20%
	District 5	Suburban	Medium	High	91–100%	<10%	<10%	≤5%	5–20%
<i>State C</i>	District 6	Urban	Large	Medium	10–25%	10–25%	25–50%	5–20%	5–20%
	District 7	Suburban	Large	Low	<10%	10–25%	50–75%	5–20%	5–20%
	District 8	Town/Rural	Medium	High	<10%	75–90%	10–25%	≤20%	5–20%
<i>State D</i>	District 9	Urban	Large	Medium	10–25%	10–25%	25–50%	5–20%	5–20%
	District 10	Suburban	Medium	Medium	<10%	10–25%	75–90%	5–20%	5–20%
	District 11	Town/Rural	Medium	Low	<10%	<10%	75–90%	≤5%	5–20%

Source: National Center for Education Statistics - <http://nces.ed.gov/ccd/elsi>, 2010–11

Site visit implementation and on-site interview procedures

Two-person teams of trained interviewers conducted visits to schools over the four months from February to May of 2012. Site visitors conducted each visit over a four day period, with two days spent at each middle school. Site visitors conducted semi-structured, in-person interviews with a total of 281 school personnel across the 22 schools. Interview respondents included 49 school administrators (principals, vice-principals, and Deans of Students); 30 student support personnel, including school counselors, intervention coordinators, and bullying specialists; 134 classroom teachers and physical education instructors; three teacher’s aides; 41 School Resource Officers (SROs) or other security personnel; and 24 transportation personnel or bus drivers. For school personnel categories with more than one potential respondent (e.g., teachers, counselors, yard supervisors), the study team randomly selected interviewees from a list of school staff organized by job designation. Interview respondents also completed a brief survey to assess how frequently they responded to school-based bullying and cyberbullying incidents, the degree to which they felt bullying was disruptive in their school environment, and their perceptions concerning how commonly students were bullied based on different personal characteristics. At the conclusion of each site visit, team members recorded information from interview respondents in a structured protocol that rated school implementation characteristics using a combination of fixed response ratings and narrative elaboration.

Limitations of the study

State legislation addressing bullying in schools is a relatively new and expanding area of educational policy and practice. While this study makes an important contribution to understanding how districts and schools were implementing school policies and procedures in compliance with their state bullying laws, there are important limitations to its findings. First, the study describes the experiences of a small number of states, districts, and middle schools. While procedures were used to avoid bias in the selection of schools, the number of schools studied was small and participation was voluntary. Second, findings related to the perceptions of interview respondents should be interpreted as descriptions of what a small sample of school personnel in different positions stated, and not indications of what the general population of teachers or staff perceived in the study schools. Third, schools that participated were in states that either introduced or amended bullying laws within two years prior to the study. Study findings were based on schools' early implementation experiences, and did not support perceptions of the long term impact of bullying laws or policies.

Structure of the report

Findings from the school data collection are organized into five remaining chapters. Chapter 2 describes the history and content of state bullying legislation in the four study states and describes the different legal frameworks that states used to address bullying in their local school systems. Chapter 3 describes how school staff perceived bullying in their schools and how these perceptions related to formal definitions of bullying in state legislation and school policy. Chapter 4 focuses on the incident response process, including how school personnel identified and investigated incidents of bullying, how they assigned consequences for bullying involvement, and how they documented substantiated cases. Chapter 5 describes school wide approaches to communicating behavioral expectations to members of the school community, providing professional development to staff, preventing and reducing bullying behaviors, and safeguarding and supporting students who were targeted. Chapter 6 discusses different factors that interview respondents identified as either challenges or supports to policy implementation within their schools. The report concludes with a summary of findings and discusses implications for future policy.

II. State Legislation

The first report from the *Analysis of State Bullying Laws and Policies* study described the components of 46 state bullying laws enacted through May of 2011. The report uncovered significant variation in the nature and scope of legislation across states, reflecting different state perspectives on how to most effectively legislate school responses to bullying. Findings from the report guided the selection of four study states whose bullying laws were diverse with respect to the number of components that schools were expected to implement, the amount of authority and flexibility granted to local school systems to craft their school-based policies and practices, and the ways that schools were held accountable to the law.

Key findings

- State legislatures in all four study states had recently enacted or amended their state bullying laws in response to several key influences, including public concerns about the impacts of bullying on students and school learning environments, highly visible incidents of bullying-related violence, and commissioned studies showing that previous bullying laws had been ineffective in addressing bullying conditions in schools.
- Legal expectations and burden placed on schools tied to new or amended legislation varied widely across study states, ranging from minimal requirements for schools to create school bullying policies without specifying policy content to detailed and highly prescriptive mandates for new programs, procedures, and infrastructure with the threat of sanctions for non-compliance.
- School districts and schools in the study were transitioning to adopt and implement new programs and procedures established by these legislative changes.
- States' bullying laws as originally enacted or amended in each of the four states did not include funding appropriations to support the implementation of new legal expectations for schools.
- District policies in study states with strong state control orientations were more uniform and conformed to minimum state policy standards. District policies in local control states in the study were more diverse.

This chapter describes the four different legal frameworks that study states established to address bullying in their local school systems. The chapter includes a brief history of legislation in each state and summarizes key components of each state bullying law. The chapter introduces a framework to describe differences across states in the roles played by state legislatures, state education agency (SEAs), and local school systems in shaping the content of school policies, and discusses other aspects of legislation that influenced school implementation.

The information presented in this chapter answers the following questions related to state policy environments:

- What were the key differences among the four study states with respect to the history and key components of their bullying laws?
- How did study states vary with respect to the roles of state legislatures, SEAs, and local school districts in shaping school bullying policies?
- What other aspects of state legislation, outside of the key component framework, influenced school implementation in the four study states?

Key components of the four state bullying laws

The first *Analysis of State Bullying Laws and Policies* report analyzed the nature and scope of state bullying legislation in 46 U.S. states that had passed bullying legislation as of May 2011. The analysis was structured according to a U.S. Department of Education framework that identified 16 key components of legislation that were present in state bullying laws enacted through December of 2010.³ The framework included: *four definitional components* addressing how states prohibited and defined bullying behavior by law (i.e., purpose, prohibition, scope, and enumeration of groups), *six school policy components* detailing commonly required elements of school-based policies (i.e., definitions in policy, reporting procedures, investigation procedures, use of written records, consequences, and supports for victims), *two accountability components* covering the development and review of school district policies, and *five additional components* addressing communication of policy, training for school personnel, strategies to prevent or reduce bullying behavior, mechanisms to promote transparency and monitoring, and legal remedies for targeted students. The study analysis rated state bullying laws on the *coverage* and *expansiveness* of their components.

The four states selected into the study were diverse with regard to the components of their state bullying laws. The four laws covered anywhere from eight to 16 components and were rated from nine to 30 on measures of expansiveness. Exhibit 2 details each state bullying law by its coverage of components as of May 2011. These differences in the content of bullying legislation translated into different legal expectations and degree of burden placed on districts and schools to ensure compliance with the law. These expectations tied to new legislation ranged from minimal requirements for districts to establish school bullying policies, to substantive mandates requiring districts to implement new programs, procedures and school infrastructure, accompanied by sanctions for non-compliance. As discussed in subsequent sections, these varied legal expectations were important factors in shaping school responses to bullying on their school campuses.

³ U.S. Department of Education, *Anti-Bullying Policies: Examples of Provisions in State Laws*. December 2010.

Exhibit 2. Extent of coverage of U.S. Department of Education-identified key components in state bullying legislation, by state (n=4)

State	Definitions				District policy review and development		District policy components						Additional components			
	Purpose	Scope	Prohibited behavior	Enumerated groups	District policy	District policy review	Definitions	Reporting	Investigations	Written records	Consequences	Mental health	Communication	Training/prevention	Transparency/monitoring	Legal remedies
State A	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
State B	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓
State C	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	
State D	✓	✓			✓		✓	✓	✓		✓		✓			

History of bullying legislation in the four study states

The four study states were also diverse with regard to the history of bullying legislation in their respective states. These legislative histories were influenced by a number of shared factors including public concerns over the impact of bullying on youth and schools, high profile incidents of bullying-related violence in their local schools systems, and studies indicating the need for strong legislation to improve school accountability. The following section summarizes how bullying legislation evolved within each state and describes the content of each state law current as of May 2011. Appendix B contains more detailed information describing these specific components of bullying laws in each state.

State A

The first state in the study passed its earliest school bullying law in 2002. The law required school districts to adopt policies prohibiting harassment, intimidation or bullying and outlined specific provisions to be covered in school policies. Since 2002, the bullying law has undergone four separate revisions to modify or expand upon its provisions. The most substantive revision occurred in 2011 in response to recommendations from a state bullying commission appointed to review the status of bullying in schools. The commission concluded that state statutes had not gone far enough to address bullying conditions in the state’s local school systems. The state legislature ultimately passed the new law shortly after a high profile bullying-related suicide in the state focused further attention on the issue.

The intent of the new bullying law was to strengthen and clarify definitions of what constitutes harassment, intimidation, and bullying; to provide standards and procedures on how to prevent and respond to bullying incidents on and off school grounds; and to create more respectful learning communities. The law prohibits harassment, intimidation, and bullying in public schools and is the most expansive and prescriptive of the four state laws in the study. The bullying law covers each of the 16 key components in the Department framework, and introduces 18 new policy provisions that districts must implement to achieve full compliance. The law establishes new legal requirements for schools that include mandatory reporting of bullying incidents, stringent timelines for reporting, investigation, and review, disciplinary sanctions for non-compliance, and strong monitoring and accountability measures. The bullying law also includes comprehensive prevention, staff training, and intervention components for students who bully and students who are targeted, and extends the

jurisdiction of the bullying law to encompass conduct that occurs off school grounds. Under the new law, districts must appoint a district anti-bullying coordinators and school anti-bullying specialists in each school who oversee implementation and ensure accountability.

State B

The second study state enacted its first state bullying law in 2002. The law defined harassment, intimidation, and bullying and required districts to develop local bullying policies, but allowed considerable flexibility for districts to determine local policy content. The bullying law also required the SEA to develop a state model policy that schools could use to guide local policy development. The state legislature amended the bullying law in 2007 to add prohibitions against cyberbullying. The following year the state commissioned a study to examine the impact of the law on public schools throughout the state. The study concluded that despite widespread adoption of policies, schools had been inconsistent in their implementation of new procedures and there had been no measureable reduction in bullying behavior. The study recommended a more prescriptive approach involving the creation of a state model policy detailing mandatory provisions that districts must adopt. According to the SEA representative, the intent was “to put some teeth into the policy” and to provide clearer guidance to schools regarding legal expectations.

The most recent revision to the bullying law was passed by the state legislature in 2010. The current law defines harassment, intimidation, and bullying, requires districts to adopt or amend their school policies, establishes a state policy review process, and establishes requirements for how policies must be communicated to students, parents, and school personnel. The state bullying law authorizes the SEA to develop a new state model policy and procedure through a collaborative process, and requires districts to integrate the policy and procedural standards into their local policies. The state model policy and procedure address all key components in the Department framework, with the exception of the transparency and monitoring component. The state policy and procedure contain some prescriptive elements (e.g., timelines for completing investigations), but also allow districts discretion concerning the details of implementation within components. The new bullying law also requires each district to appoint a compliance officer who is responsible for ensuring district accountability.

State C

The third study state enacted its first school bullying law in 2009. Prior to the passage of the new law the state educational code contained several statutes addressing threats and intimidation in schools, including laws prohibiting hazing, sexual harassment, and harassing communications. While the legislature was debating the proposed law, a national discussion was emerging concerning the presumed link between bullying exposure and youth suicide. Around this same time, the state experienced several high-profile incidents of suicides among students, including one completed suicide that took place on school grounds. This incident provided the final impetus for lawmakers to approve pending legislation to more effectively address school safety, bullying, and suicide prevention.

The new state statute, which is framed as a harassment prevention law, consolidated several elements of existing state bullying laws and places additional emphasis on prevention of harassment and youth suicide. The law requires school districts to establish anti-harassment policies, requires the SEA to develop a model policy to be adopted by schools, and outlines provisions that must be contained in the state model. The provisions represent general guidelines that do not include specific operational detail (e.g., schools must have an investigation procedure). School systems must adopt

these minimum provisions, including definitions of bullying that are consistent with the state definition, but are granted discretion to expand upon the minimum provisions. The state bullying law covers most key components, with the exception of required reviews of school policies at the local or state level, training for school personnel, or legal remedies for targeted students.

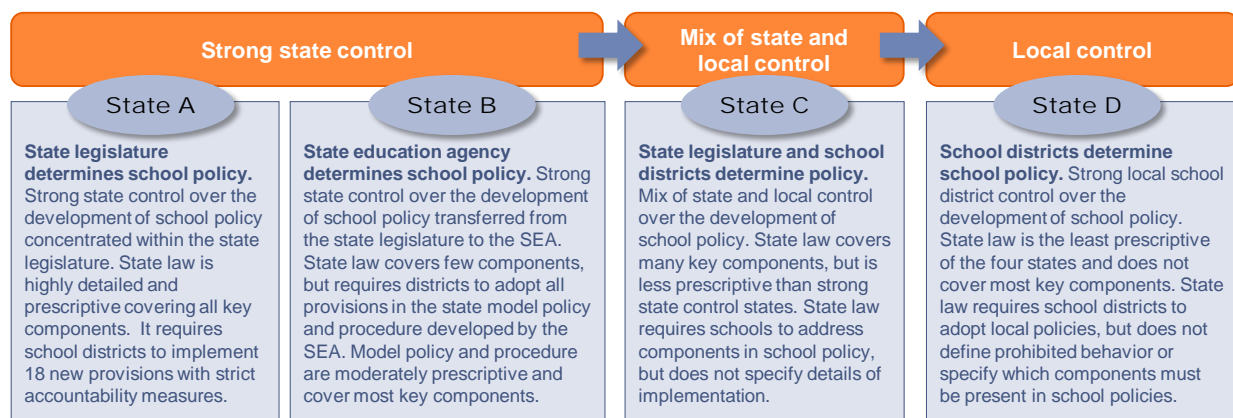
State D

The fourth study state enacted its first anti-bullying law after several years of debate within the state legislature. The earliest version of a bullying bill was introduced in 2007 in response to several high profile school-based incidents that were linked to a history of bullying. The state bullying law enacted in 2010 built upon on existing harassment legislation and was framed as a school bullying law. The law is the least expansive among study states and only requires that local school boards develop policies prohibiting bullying, and that policies be annually distributed to all enrolled students and their parents or guardians. The law grants discretion to local school districts to formulate the specific provisions in their district policies, including the latitude to define prohibited behavior. The bullying law also requires the SEA to develop a model policy that may or may not be adopted by school districts to meet the legislative requirement. The bullying law specifies the content of the state model policy, which includes a definition of bullying, a statement of scope defining where the policy applies, prohibitions against bullying and retaliation, reporting expectations for school staff, and a list of disciplinary alternatives for students who engage in bullying behavior. The law also requires the SEA to develop a model bullying education and awareness program for schools to use at their discretion. According to the SEA representative, the minimalist bullying law was consistent with the state’s local control philosophy and history.

Roles of state legislatures, SEAs, and local school systems in determining school policy

Across the four study states, state legislature, SEAs, and local school districts had differing degrees of influence over the content of school bullying policies that were tied to the differences in state legal frameworks and how they balanced control over policy formulation. Exhibit 3 introduces a framework to summarize these four approaches and the corresponding roles that state legislatures, SEAs, and local school systems played in shaping local education policy.

Exhibit 3. Approaches in state legislation for state and local control over policy development



Two of the four states centralized control over school policy development at the state level, either by concentrating policy control within the state legislature by mandating specific policy provisions

through legislation, or by transferring policy authority the SEAs to develop state model policies that district must adopt. These two states with stronger state control had more expansive state bullying laws and had more extensive procedural requirements and accountability measures than states that granted schools more autonomy. The state bullying law that featured a *mix of state and local control* set broad guidelines for policy content and, through legislation, determined the general content of the state model policy that schools must adopt, while granting schools flexibility to determine policy detail. The bullying law in this state was more general and less expansive than the first two states in the study. The *local control state* limited state control to requiring the adoption of local bullying policies, and granted local school systems full authority to determine school policy content, including how to define prohibited behavior. Although the bullying law required the SEA to create a state model policy that would provide guidance to schools, schools were not obligated to adopt the state model or any of its provisions. These different state orientations reflect a tension between the interest in ensuring that schools take meaningful action to prevent and reduce bullying behavior, and the desire to grant schools the flexibility to adopt strategies that are responsive to local needs and that are feasible to implement within school resource environments.

State education agency representatives identified advantages and disadvantages to state centralization or local control. The SEA administrator representing the state with the most expansive state bullying law and strong state centralization identified advantages related to strengthening reporting and investigation procedures, providing greater accountability for schools as well as uniformity in procedures across schools, and increasing rights and protections for bullied students and their families. However, the interviewee noted that these often-extensive new legal requirements also placed substantial recordkeeping and reporting and investigation burden on schools. The SEA administrator from the strong local control state believed that advantages of local control included adapting policy to local needs, resources, and implementation contexts. However, the interviewee noted that the ability to monitor accountability at the state level or to assess whether or not bullying laws were effective was much more limited.

Implications of different legal frameworks for school policy

These different legal frameworks also influenced the amount of consistency found across school district policies within states. Specifically, states with stronger state control orientations had more uniform district policies that conformed to minimum standards established through legislation or through the adoption of state model policies. These states also had stronger state accountability measures in place to ensure that districts were held in compliance with the law. States with stronger local control had district policies that were more diverse with respect to how schools defined prohibited behavior and how they implemented different components. This local control orientation granted districts greater flexibility to adapt provisions in state model policies to make them more compatible or feasible in the local context. Examples of local adaptations were evident in district policies within these states, where local flexibility was used to both limit (e.g., less restrictive timelines for investigation) and expand upon the provisions in the state model.

Other aspects of the legal environment surrounding bullying policy

In addition to the key components of state bullying legislation and the different state legal frameworks that shaped school policy development, there were other important aspects of the legal environment surrounding school bullying that influenced implementation by either supporting or constraining schools in their ability to carry out expectations in the law.

State education agency (SEA) roles in supporting policy implementation

State bullying legislation in all four study states defined clear roles for SEAs to support school implementation of legal requirements. Each state law required SEAs to produce and disseminate a state model policy and other supplemental resources to assist schools in complying with the law, although states outlined different conditions and requirements concerning schools' adoption of the state model policy. For the first state with the most expansive state bullying law, the model policy served as a guidance document to help schools translate detailed provisions in legislation into school-based policies and practices. The law also required the SEA to establish a model protocol for investigating unresolved bullying complaints and to develop in-service workshops and training programs that could be accessed online to train anti-bullying coordinators and anti-bullying specialists. The state model policy and regulation in the state with the second most expansive state law supplied the actual content and operational detail for school-based policies that schools were required to adopt. These detailed provisions were developed by the state education agency with authorization from the state legislature and functioned as requirements under the law. State bullying laws in the third and fourth study states each contained sections of statute that outlined components that must be present in the state model policy, although the third state allowed SEAs discretion to refine the detailed provisions, and the fourth state made adoption of the state model policy optional.

The state with the least expansive bullying law was also unique in requiring the SEA to develop a model bullying education and awareness program to improve school bullying prevention capacity. The SEA developed the classroom-based bullying prevention curriculum through a school-university partnership and the state distributed the curriculum to districts through a public-private partnership with the teachers' union insurance company. The curriculum was accompanied by a supplemental guidance document that became the foundation for the state model bullying policies. SEAs also provided additional resources to schools that were not tied to specific state such as sample incident reporting forms, school safety plan templates, and other materials to help support local policy implementation.

Infrastructure to support implementation

Two states also included requirements in their bullying laws for districts to establish new personnel infrastructure at the district and school level to oversee implementation and ongoing monitoring of new legislative requirements. The first and most expansive state bullying law required schools to assign an anti-bullying coordinator within each district, and a bullying specialist within each school site to be support implementation and ensure accountability. Schools were also required to establish school safety teams to assess school needs and to engage in collaborative planning. The second state mandated the appointment of a compliance officer within each district who was responsible for receiving copies of formal and informal bullying complaints, verifying that reports were up-to-date, and ensuring that schools fulfilled mandatory training requirements. These dedicated school staff provided a mechanism at the local level for ensuring school compliance with the law, and as discussed in later chapters, played an important role in supporting policy implementation within these two states.

Limited funding

None of the study states appropriated funding to support school implementation and facilitate school compliance with the law. Instead, state legislatures addressed resource issues in other ways. For instance, the first state urged districts to promote fiscal responsibility by reassigning existing personnel and resources to meet new legal requirements. The second state emphasized cost-neutral changes to procedure over mandating new programs to minimize direct costs to schools. The third

state encouraged schools to implement prevention and intervention strategies without mandating school compliance until funding could be appropriated for this purpose, and the fourth state only required that schools create school-bullying policies without specifying content.

The most expansive state bullying law established a competitive grant program to support school bullying prevention efforts; however, the legislature did not immediately authorize funding. In March 2012, after the school data collection had concluded, districts in the state challenged the law as an unfunded mandate. The legislature passed an amendment appropriating competitive funds for under-resourced school districts to offset the costs of implementation.

State administrators in all four states communicated concerns about these unfunded mandates and discussed different strategies their states had used to help schools overcome funding challenges. These strategies included redirecting funds from other federal and state sources to offset the costs of policy implementation (e.g., federal grants, state funds allocated for school safety and discipline), establishing innovative partnerships with external agencies to support resource development (i.e., the teachers' union insurance company), and enabling schools to purchase or custom-design their own training or prevention materials to avoid direct costs associated with program-specific mandates. The resource materials that states developed to support school compliance with the bullying law also helped offset costs associated with the development of programs and procedures.

Recent changes to legislation

Schools were also similar in that their states had each enacted new bullying laws or amended existing statutes within two to three years of the study creating an environment of shifting legal expectations for schools at the time of the site visit implementation. State legislatures in two of four states had repeatedly amended their statutes since enacting their first state bullying laws a decade earlier. The bullying laws in these states covered more components and were more expansive than newly introduced laws in the two other study states. The changes to legislation exemplified the rapid increase in state legislative activity nationwide to address school bullying concerns, and created an environment of shifting expectations for schools. At the time of the school data collection, districts were rolling-out new policies, programs, and procedures and were orienting staff, students, and parents to new expectations. This created a context of uncertainty surrounding school policy implementation, particularly in districts in states with more expansive and highly visible state bullying laws that substantially impacted the day-to-day operations of schools.

Chapter summary

State legislation influenced the content of school-based bullying policies and procedures, and provided the context for school policy implementation. The four states selected into the study were purposefully chosen for the diversity of their bullying laws, which varied with respect to the *coverage* and *expansiveness* of key components. This variation translated into widely ranging expectations for how schools must implement local policies and practices, what level of resources schools applied to the implementation effort, and how states held schools accountable to the law. Legal expectations for schools tied to new or amended legislation ranged from minimal requirements for schools to create school bullying policies with no specified content, to detailed and highly prescriptive mandates for new programs, procedural changes, and infrastructure with sanctions for non-compliance.

States in the study had unique histories of legislation that evolved in response to several shared influences. For example, the state legislatures in two states amended their bullying laws based on findings from commissioned studies, which concluded that state statutes had not gone far enough to address bullying conditions in schools. For two other states, new bullying laws expanded upon existing harassment legislation, and in each case, were influenced by high-profile triggering events in schools and by popular concerns about the consequences of youth bullying exposure.

The differences in legislation across states reflected differences in the way that state legislatures viewed the appropriate roles for state governments and local school systems in formulating school educational policy. These differences in legal frameworks reflect an underlying tension between the desire to ensure that schools take necessary steps to effectively address bullying in their schools and a belief that schools should have the flexibility to design policies that best fit their needs and school resource environments. The two state bullying laws that centralized policy development at the state level were more prescriptive in terms of the number of new program and policy requirements, the stringency of their accountability measures, and the amount of latitude granted to school staff to carry-out school bullying responses. School policies in these states were more uniform across districts than policies in states with stronger local control orientations, and closely conformed to minimum state standards for policy content. These differences in legal environments had important implications for how schools responded to bullying incidents on their campuses and the challenges they faced throughout the implementation process.

The next section of the report shifts attention to how school personnel across the state contexts perceived bullying among students in their schools, and explores the relationship between what school personnel define as bullying behavior and the way that bullying incidents are formally defined in state bullying laws and district policies.

III. Identification of Bullying Incidents

School administrators, teachers, and other educational professionals perceive bullying to be a serious concern for students and their larger school learning environments. Recent findings from a large national survey found that 43 percent of teachers and other school support staff considered bullying to be a moderate or major problem for their schools and 41 percent reported witnessing bullying interactions at school once a week or more (Bradshaw, Waasdorp, O’Brennan, and Gulemetova, 2011). The success of school policies and procedures to respond to bullying behavior rests on the ability to uncover acts of bullying in the school environment and to bring them to the attention of school administrators. Schools have increasingly developed formal policies to help school staff identify incidents of bullying on their campus and respond appropriately through formal procedure.

Key findings

- School personnel interviewed for the study described the bullying they observed as a span of behaviors that ranged from isolated incidents of less serious physical, social, and verbal aggression to more persistent and severe forms of bullying or harassment.
- Unlike the broad interpretations of bullying described by school personnel, the definitions of bullying in school policies were more narrow and usually applied to the most persistent and dangerous manifestations of school bullying behavior.
- About half of all school personnel in the 22 middle schools in the study said they responded to these bullying incidents among their students on a weekly or daily basis and eleven percent responded to cyberbullying with the same frequency.
- Study respondents believed that the characteristics of targeted students that most frequently motivated bullying behavior in their school settings were physical appearance (e.g., weight, height, perceived attractiveness) and relationship or sexual history.

This chapter summarizes school and district personnel perspectives on the types of bullying behaviors that they observed in their school settings and discusses the definitions of behaviors that were prohibited under law and in school policies. The section also describes school staff perceptions about the students who are most vulnerable to bullying victimization, and identifies locations on and off school campuses where bullying was most likely to occur. The chapter addresses the following questions.

- How did school personnel perceive bullying in their schools?
- Where was bullying most likely to occur and who was most likely to be targeted?
- How did the staff perceptions about bullying relate to the formal definitions of bullying in state legislation and school policies?

How did school staff perceive bullying in their schools?

Middle schools offer a meaningful context for studying bullying behavior due to the high prevalence of bullying involvement. The National Center for Education Statistics (NCES) reports that as many

as one-third of all U.S. middle school students are bullied in a given school year and four percent are the targets of cyberbullying (Nieman, 2011). Studies shows that more direct physical forms of bullying tend to escalate through elementary school and middle school and then decline as students reach high school, whereas verbal and indirect bullying typically increase through adolescence (Cohn & Canter, 2003). Researchers have linked heightened rates of bullying in the middle school years to aspects of early adolescent social development, when youth are forming their own identities, establishing relationships with peers, and refining social skills. Youth during this time become less dependent on parents as primary role models and sources of support and become more dependent on friends and other adults with whom they share feelings and experiences (Espelage, 2002). These peer groups become more stratified and children become increasingly concerned with social status around this time. The pressure to become popular and to gain acceptance often leads to increased teasing and bullying to promote children's social status and to help them gain superiority over other children (Espelage, 2002).

Site visitors who participated in the school data collection asked school staff to share their perspectives on bullying among their middle school students and to describe how they identified bullying situations. Teachers and other ground-level responders, such as school counselors or yard supervisors, commonly described the bullying they observed as a broad span of behaviors that ranged from isolated instances of physical, social, and verbal aggression or conflict, to more deliberate and threatening forms of bullying or harassment that continued over time. Their interpretations of bullying usually encompassed less serious or less persistent forms of behavior, such as one-time instances of teasing, name-calling, or social exclusion, not covered in research-based definitions. Some researchers have similarly described bullying as a continuum of problem behavior that involves most of the school population. For example, one study examining the social environment in middle schools found that when removing the term bullying from descriptions of self-reported behavior, about 80 percent of students admitted to engaging in some form of bullying, ranging from low-level teasing to more moderate or severe forms of aggression. These findings challenged the notion that students could be categorized as either bullies or non-bullies (Espelage, Bosworth, and Simon, 2000). Teachers reported that these less serious forms of hurtful behavior were endemic to the middle school setting and when left unaddressed, had the potential to escalate into more persistent forms of bullying behavior. The most common criteria that staff used to distinguish between bullying and other types of conflict was the perceived emotional or physical impact of the behavior on the targeted student.

Contrary to the common perception of bullies as “bad kids” or perpetrators, school personnel interviewed for the study often perceived bullying as a learned behavior that was modeled in social and family environments. This perception was more widely held among study respondents in higher poverty school environments. These respondents believed that bullying and other lesser forms of aggression among students in their schools were a manifestation of underlying issues, such as stress or trauma, conflicting behavioral expectations between family and school life, social skills deficits, or other behavioral and emotional challenges. Staff did not consistently perceive that the hurtful interactions observed among students were done deliberately with the intent to harm, or that their middle schools students fully realized the consequences of their behavior.

How did staff perceptions relate to the formal definitions of bullying in state legislation and school policies?

Researchers and educational policy-makers in the bullying prevention field have historically struggled to achieve consensus concerning how bullying should be defined.⁴ This challenge was evident in the lack of consistency in how U.S. states framed bullying legislation and defined prohibited behavior. The way that bullying was defined in legislation and school policies had important implications for how schools determined which student actions were prohibited, who was protected under the law, and how schools must respond to bullying allegations. For this reason, the process of identifying an incident as bullying was a predominant focus of school policy and practice.

Of the four study states, two prohibited harassment, intimidation, and bullying (HIB), the third prohibited harassment only, and the fourth state prohibited bullying. These terms were often used interchangeably, despite important legal distinctions. The definitions of bullying in state laws and school policies, though varied, shared a common structure that defined bullying based on a set of prohibited actions, their underlying motivations, the specific conditions surrounding an incident (e.g., repetition or persistence, power differential) and the resulting harm to students and school learning environments.

As compared to the broad span of behavior that school personnel described as bullying, definitions of bullying in school policies were more narrow, focusing on the most persistent and dangerous manifestations of school bullying behavior. This suggests that much of the observed behavior identified by school staff as a form of student bullying did not fall under the purview of state bullying laws or school policies. The gap between staff interpretations of what constitutes bullying behavior and definitions of bullying in school policy also contributed to staff challenges distinguishing between bullying as it was formally defined in school policies and other forms of student conflict. As such, much of the focus of school training and professional development efforts was on educating school staff on the definitions of bullying behavior. This challenge of distinguishing between bullying and other types of student conduct is discussed in more detail in Chapter 4.

The different criteria used in bullying definitions made them more or less inclusive of different forms of student conduct. For example, one state bullying law limited prohibited behavior to incidents that were part of a repeated pattern, whereas other states allowed for bullying acts that involved a single incident. The enumeration of groups was a component of bullying definitions that contributed to diversity in how behavior was defined both across states and across districts within states. Ten of eleven district policies in the study conveyed explicit legal protections for certain groups, or for anyone bullied based on personal characteristics, such as race, religion, or sexual orientation. Three school policies limited their legal definitions to characteristic-based bullying. Legal experts have cautioned against limiting definitions of bullying to behavior motivated by characteristics, since most bullying is motivated by factors like personal appearance that are unrelated to class or group affiliation (Sacks and Salem, 2009). These policies all referenced

⁴ Federal agencies partnered in 2011 to establish a uniform definition of bullying for research purposes. For research purposes, bullying is defined as unwanted, aggressive behavior among school aged children that involves a real or perceived power imbalance. Additionally, the behavior must be repeated, or has the potential to be repeated, over time (Centers for Disease Control and Prevention, in press).

protected classes covered under federal civil rights laws (i.e., race, national origin, religion, sex or gender, and disability) consistent with the legal definition of harassment. Two of the three district policies also included explicit protections for sexual minority youth who research has shown are particularly vulnerable to high rates of bullying exposure in schools (Kosciw, Greytak, Diaz, & Bartkiewicz, 2011). Seven other district policies in the study were more inclusive in their definitions allowing that bullying may or may not be explicitly tied to the characteristics of the targeted student.

The degree of consistency in school policy definitions across districts within states was strongly influenced by state legislation and differences between strong centralization and strong local control. The two states with strong state control orientations required districts to adopt the state definition, creating uniformity in how bullying was defined across districts. The third state required districts to adopt the core definition, but allowed flexibility to expand on lists of enumerated groups to be more inclusive than the legal bullying definition contributing to diversity in how districts defined bullying incidents across districts in the state. The fourth state did not establish a statewide definition of bullying. Instead, school districts were empowered to create their own definitions or adopt the definition in the state model. This contributed to a significant amount of diversity in how bullying was defined across districts. This diversity had important implications for data use and is discussed in more detail in Chapter 4.

How often did school staff respond to bullying issues in their school settings?

Interview respondents completed a brief survey to assess how frequently they responded to school-based bullying and cyberbullying incidents, the degree to which they felt bullying was disruptive in their school environment, and their perceptions concerning how commonly students were bullied based on different personal characteristics. Exhibit 4 shows that about half of all school personnel (49 percent) in study middle schools responded to bullying incidents among their students on a weekly or daily basis, with 27 percent responding once or twice per week, 13 percent responding three to four times per week, and nine percent responding every day. Staff perceptions of bullying frequency varied substantially both across and within school districts. Appendix B summarizes responses disaggregated by school.

Exhibit 4. School personnel perceptions of how frequently they respond to traditional forms of bullying and cyberbullying in their schools

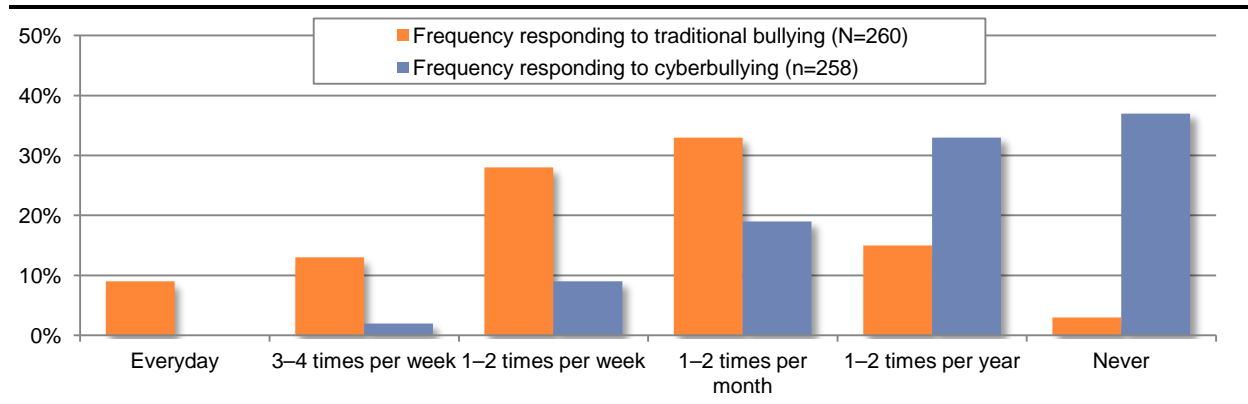


Exhibit reads: Nine percent of school personnel surveyed for the study reported responding to bullying among students every day.

Source: EMT survey of school personnel.

Cyberbullying was less prevalent in most schools than more traditional forms of bullying behavior. Around one third of respondents (31 percent) in the study schools reported that they “never” addressed cyberbullying, and another one third (36 percent) reported confronting cyberbullying no more than once or twice a year. About 11 percent addressed acts of cyberbullying on a weekly or daily basis. The perception that cyberbullying was less problematic may be related to the degree to which it was detectable by adults, as most respondents suspected that it occurred much more than they knew. Because students or their parents usually brought cyberbullying concerns to the direct attention of school administrators, other school personnel were likely unaware of the extent to which cyberbullying filtered into the school environment.

School personnel were asked to evaluate how disruptive bullying and cyberbullying were to the learning environment. Their responses are shown in exhibit 5. Most staff reported that bullying created either “some disruption” or a “minor disruption” to learning (41 percent and 44 percent, respectively), while 10 percent believed that bullying created a “substantial disruption” in their schools. Interview respondents agreed that bullying had strong negative effects on learning for individual students who were targeted, but perceived less impact on the whole-school environment. This was tied to the perception that most bullying occurred away from close adult supervision in hallways or during passing periods, and outside of the classroom setting. Teachers did mention the occasional need to halt instruction to manage student behavior, which impacted learning for the entire group. Teachers also indicated that time constraints often affected their ability to effectively intervene in these classroom-based bullying situations and that often it was easiest to refer students to a counselor or administrator to resolve immediate conflicts. School personnel indicated that cyberbullying was less disruptive than traditional forms of bullying. Specifically, six percent of respondents felt that cyberbullying posed a substantial disruption to their schools, 69 percent felt it caused some disruption, and about a quarter (26 percent) believed that cyberbullying caused no disruption in their schools.

Exhibit 5. School personnel perceptions of the extent to which bullying and cyberbullying behaviors are disruptive to the school learning environment

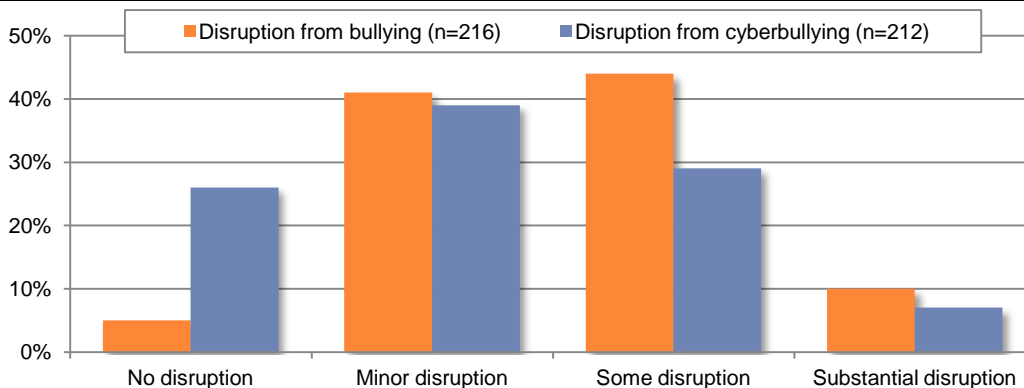


Exhibit reads: Nine percent of school personnel surveyed for the study reported that bullying behavior was not disruptive to the school learning environment.

Source: EMT survey of school personnel.

Who were the most likely targets of bullying behavior?

As research on school bullying has advanced, more is now known about the characteristics of students who bully, students who are targeted, and bully-victims, youth who at different times may

be involved in bullying as either the aggressor or the target. The question of “who gets bullied” has been a focus of legislative debate because it often has implications for how bullying behavior becomes defined in local policies (Swearer, Espelage, & Napolitano, 2009). School personnel in the study schools believed that the characteristics of targeted students that most frequently motivated bullying behavior in their school settings were physical appearance (e.g. weight, height, perceived attractiveness) and relationship or sexual history. About 40 percent of school personnel believed bullying based on appearance to be either “very common” or “extremely common,” and 20 percent perceived that bullying related to relationship or sexual history was “very common” or “extremely common.” Five of eleven district policies included physical appearance in their list of protected characteristics and none included relationships history. Staff perceptions also indicate that much of the bullying that occurred in schools was not based on any distinguishing characteristic. Appendix C presents survey responses disaggregated by school site.

As part of structured interviews, site visitors also asked school personnel to identify the types of students who they believed were most likely to be bullied in their school setting and the extent to which identifiable groups of students were targeted. School staff most frequently identified students who were shy, quiet, socially awkward, or odd as the most likely targets. Research suggests that special education students, including those with social skills deficits, are more likely than other students to be bullied, to bully others, and to receive disciplinary consequences for behavioral challenges (Swearer, et al., 2011). Although staff interviewed in study schools did not associate special education students with heightened bullying involvement (14 percent reported that bullying based on physical, emotional, or developmental disability was “not very common” or “not common at all”), they did perceive higher bullying involvement among students who researchers describe as provocative victims, or youth who are impulsive, reactive, or have difficulty modulating their emotions. Interview respondents acknowledged that by frequently alienating the people around them, these students appear to invite bullying behavior.

Where does bullying most frequently occur?

School prevalence studies have linked increased incidents of bullying to specific locations on school campuses. For example, national surveys of students in U.S. secondary schools found that nearly half of all bullying occurs in hallways and stairwells (48 percent of students were bullied in these locations), although a high percentages of students also reported being bullied inside classrooms (34 percent), and outside on school grounds (24 percent) (NCES, 2011). Interviews with school personnel revealed shared perspectives on where bullying most frequently occurred on their campuses.

Bullying on school grounds

School personnel in the study agreed that bullying was most likely to occur when there was unstructured time and limited adult supervision. Interview respondents most frequently identified physical education classes, hallways, lockers rooms, and bathrooms as bullying “hot spots.” Teachers also reported that most of the bullying they observed in their classrooms originated during passing periods spilling over to the classroom, which created a disruption to teaching and learning. School staff identified a number of strategies being used in their schools to reduce unstructured time among students and to minimize opportunities for contact that might escalate into bullying. These strategies included reducing the amount of passing time between class periods, reducing the amount of time allotted to dress for physical education, and requiring teachers to monitor hallways during passing

periods rather than remain seated at their desks. Teachers' perceptions were that these strategies had been effective at reducing the number of conflicts among students.

School personnel also reported that bullying incidents commonly occurred off campus in areas adjacent to the school grounds as students transitioned to and from school. One urban school administrator believed that the majority of bullying that occurred on her school campus "came in the door with students as they entered the school building." This was of particular concern in schools in distressed neighborhoods with higher rates of neighborhood crime and gang activity. The administrator expressed frustration over the school's inability to protect students once they left school grounds and were exposed to unsafe, often gang-infiltrated neighborhoods.

Bullying on school buses

School buses also create a high-risk environment for bullying due to insufficient supervision and confined spaces. According to a U.S. Department of Education study, about eight percent of all bullying that occurs takes place on school buses (Robers, Zhang & Truman, 2010). Bus drivers view bullying as a serious concern, but often lack necessary training to address bullying issues effectively. Specifically, half of all bus drivers responding to a 2010 National Education Association (NEA) survey reported witnessing bullying on their school buses several times a month, and the vast majority believed it was their job to intervene. Yet close to half (44 percent) of all drivers had never been trained on their school district's bullying policy. More than two-thirds of drivers reported a need for more training on how to address bullying behaviors (NEA, 2011).

Interviews with bus drivers serving middle schools in the study reported similar concerns. Interviewed drivers identified a number of challenges to managing student conflicts on their school buses including insufficient adult supervision, inadequate training, and challenges communicating with school administrators to resolve issues. One frequently mentioned challenge was the inability to monitor student behavior without other adult supervision while safely operating the vehicle. This situation often prevented drivers from intervening when conflicts arose while en route to school or during loading and unloading periods. For example, one driver reported that bullying often occurred during boarding when students were largely unsupervised; however, due to rules restricting drivers from leaving the bus unattended, she was unable to intervene.

"We have a saying that driving a bus is like putting 70 kids together in a closet and then turning your back on them."

—Bus driver, urban district

Bus drivers also reported problems reporting bullying incidents and achieving adequate follow-through. For many districts, transportation services were provided through external contractors or were managed through separate district departments. Several drivers expressed frustration with the length of time involved in reporting bus-related incidents through the administrative chain to reach the school building administrators, as well as an occasional lack of response. Drivers expressed a need for strategies that could be used to more immediately protect students from continued bullying, while reports were being processed through the proper channels. Drivers in these situations also expressed the need for stronger communication regarding disciplinary consequences for students and wished to be informed about how issues were resolved. Bus drivers also identified the need for additional training. Although many of the study districts included transportation personnel

in school-wide training on district policy, drivers felt a need for more tailored professional development to instruct them on how to intervene in bus-related bullying situations.

Bullying off school grounds

Interview respondents were also asked about bullying that occurred off school grounds, which has specific relevance to cyberbullying. Cyberbullying represents a unique challenge for schools to monitor and enforce because it typically originates off campus where schools have more limited jurisdiction to respond to student conduct. Seven of 11 district policies in the study empower districts and site administrators to address off-campus conduct under certain circumstances or conditions. Of those seven, four district policies explicitly authorize schools to respond to off-campus conduct, and three others allow school staff to intervene in any behavior that “has the effect of substantially disrupting the orderly operation of the school.” The four remaining district policies limit the schools’ jurisdiction to student conduct that occurs at school (e.g., on school grounds, at school-sponsored events, on transportation for school events, or at school bus stops). Administrators in these schools acknowledged that although policies state that cyberbullying is not a school issue, it continues to spill over into the school environment, affecting students and the school community.

School administrators experienced challenges determining when and under what circumstances the school had legal jurisdiction to address violations of off campus conduct. School and district administrators in districts with higher perceived prevalence of cyberbullying issues expressed frustration navigating questions of school authority and communicated concerns about the legal implications for schools. For example, one district representative shared the story of student who allegedly posted threats on a social networking site and was later expelled from school. The parent chose to bring legal action against the district for disciplining the student for behavior that took place outside of the school’s jurisdiction. Although the district resolved the issue by establishing a connection between the online activity and subsequent behavior that occurred on school grounds, the administrator admitted to exercising much greater caution now when handling off-campus cases.

“All the things we’ve had in place for the past decade are based on the assumption that all these things are done at school. Now we are in a whole different world ... How do we deal with the stuff [technology] kids are walking into school with in their pockets? That’s outside of our firewall, it’s outside of our network and outside of our filter, but it’s walking in everyday and kids are being impacted by it.”

—SEA Representative

Schools also leveraged relationships with law enforcement to address challenges associated with cyberbullying. This was true in three of four states in the study that have statutes in their criminal codes that can be used to prosecute or impose penalties for acts of cyberbullying (e.g., laws addressing unlawful use of computerized communications systems, cyberstalking, and harassing communications). School staff in schools with SROs or police liaisons often referred students to school officers in cyberbullying incidents and used their partners in law enforcement to help educate students about cyberbullying issues. Two districts, for example, invited SROs or law enforcement cyberbullying experts to present information to students on the use of technology and the dangers of cyberbullying behavior (e.g., explaining to students about how information is stored even when deleted). School personnel in these schools perceived this to be a valuable tool to educate students about internet use and to help them better understand the implications of their behavior. School

administrators also encouraged parents to contact local law enforcement to resolve cyberbullying complaints through the criminal justice system when school authority was limited.

Chapter summary

The social environment in middle schools provides a meaningful context for studying bullying behavior due to the high rate of youth bullying involvement. Each year as many as one-third of all middle school students will be bullied at school and four percent will be the targets of cyberbullying (Nieman, 2011). This chapter offered a discussion of how state bullying laws and local policies defined prohibited behavior and how these definitions aligned with the types of conduct that school personnel frequently observed in the middle school environment.

Teachers and educational support staff descriptions of bullying in schools were consistent with what researchers have described as a continuum of behavior that ranges from low level aggressive acts to more serious and persistent forms of bullying or harassment. School personnel described these behaviors as endemic to the middle school setting and reported intervening in conflicts either formally or informally on a regular basis, although the perceived frequency varied across schools and respondents. District and school administrator defined bullying in ways that more closely conformed to definitions in school bullying policies. Nearly half of all school personnel interviewed for the study reported responding to traditional forms of bullying on at least a weekly basis.

The formal definitions of bullying in school legislation and policy established the legal criteria used to isolate the most serious forms of bullying behavior prohibited under law that schools must address through formal procedures. These definitions had important implications for who was legally protected, who was subject to consequences, and how schools must respond to bullying allegations. State definitions of bullying varied across the four study states, but shared a common structure that defined the types of actions prohibited, the motivations for the behavior, and the resulting harm to students and school learning environments. The diversity in how bullying was defined across schools was directly tied to the orientation of the state bullying law and how states balanced state and local control over school policy formulation. This diversity has important implications for data monitoring across districts discussed in subsequent chapters.

Importantly, most behaviors that school staff described as bullying and responded to on a regular basis were perhaps less serious or persistent in nature than the behaviors defined more narrowly in school district policies, yet school staff perceived these incidents to be emotionally hurtful to targeted students and felt responsible for intervening. This suggests that school bullying policies and procedures that only emphasize responses to bullying as it is defined in policy may neglect a broad range of hurtful student conduct that is highly prevalent in middle schools and that negatively impacts students and their school learning environments.



IV. School Responses to Bullying Incidents

State bullying laws and school policies emphasized the development of formal procedures to identify students who violate rules of conduct, to substantiate incidents as bullying based on definitions in school policy, and to impose disciplinary consequences, including occasional removal from the school environment. This incident response process was the most prominent focus of state bullying legislation and school policy.

Key findings

- School personnel interviewed for the study were aware of the presence of their school bullying policy, but were not well-informed about policy details, such as what criteria in school policies were used to define bullying incidents or how school personnel were expected to respond to incidents (e.g., how they should intervene, under what circumstances should they report incidents to the school administration).
- Teachers, counselors, and educational support staff who were the closest monitors of student interactions reported distinguishing between bullying and other forms of aggression for the purposes of reporting and investigation.
- School procedures for reporting and investigating bullying incidents conformed to a common process and decision framework. Key points in the response process included the immediate response (i.e., the decision to intervene in a bullying situation), the decision to refer an incident for review or to formally report the incident to the school administration, the decision to proceed with an investigation, the decision to assign disciplinary consequences, and the decision to refer incidents that could not be resolved at the building level to districts or law enforcement.
- School reports of bullying incidents were not comparable across study districts and schools due to differences in how schools defined bullying behavior and differences in reported incidents were substantiated as bullying. While these data support individual school uses for student behavior assessment and planning, they were less useful for state level comparison and planning.

This chapter details the incident response process in study schools as described by school administrators and other school personnel. The chapter describes how school personnel identified bullying situations in their schools and discusses some of the practical challenges they encountered when trying to make these determinations. The chapter introduces a decision framework that summarizes the incident response process as implemented in study schools and discusses the challenges associated with different steps in the process and how these challenges related to differences in state legal expectations. The chapter also examines the procedures that schools used to capture data on bullying incidents and describes how data was used to support planning, monitoring, and accountability processes.

The chapter answers the following questions:

- How did school personnel identify and intervene in bullying situations? What were the challenges associated with this process?
- How did schools implement procedures for reporting, investigating, and assigning consequences for violations of policy? What were the challenges associated with different steps in the reporting and investigation process?
- How did schools collect and utilize data on bullying incidents?

How did school personnel identify bullying situations and what were the challenges associated with this process?

School-based efforts to implement bullying response procedures relied on staff awareness and attention to bullying issues and the ability to distinguish between bullying and other types of student conduct for purposes of reporting. Within study schools, expectations created by new legislation and increased public and media attention had clearly heightened staff awareness of bullying as a serious school concern. Staff conveyed their support for this increased attention, strongly favored school policies to address bullying problems in schools, and were proactive in intervening in potential bullying incidents.

School personnel were also largely aware of the presence of their school bullying policies and were clear about expectations to intervene to stop bullying behavior, but seemed to have limited knowledge of specific details, such as how bullying was formally defined in school policy or under what circumstances behavioral incidents warranted reporting to school administrators. School personnel in 9 of 22 schools defined bullying situations consistently across interview respondents, indicating a high degree consensus and shared understanding of how it was defined. School personnel in 7 of 22 schools defined bullying in a manner that was consistent with the definitions found in their school policy. School personnel rarely cited school policy definitions when discussing bullying situations, and policy criteria did not appear to impact ground-level decisions about what was or was not bullying. Instead, formal definitions had more practical application during the investigation process when school administrators made determinations about whether bullying could be substantiated. For example, when asked how they identify bullying situations school personnel commonly reported that you “just know it when you see it.” School personnel also relied on the reactions of targeted students and their knowledge of student histories (e.g., as victims or targets) to interpret student interactions. Teachers and counselors often noted that cultivating relationships with students in the school was helpful in assessing student social interactions.

School personnel in 12 of 22 schools identified at least some challenge in distinguishing between bullying and other forms of student aggression. School staff in the state with the most expansive state bullying law perceived more significant challenges than staff in schools in other legal environments, although the nature of the challenges was consistent across school and state contexts. These included students’ reluctance to report bullying incidents, the subtlety and complexity of student interactions that made these determinations more challenging, the difficulty discerning the intent of student behavior, and the practical limitations of what staff could observe or what was reported to them (e.g, the ability to determine whether an incident was part of a larger pattern). Each of these challenges is discussed in more detail below.

-
- ***Students’ ability to conceal bullying behavior.*** School personnel reported that verbal and relational acts were often subtle and that students were careful to conceal their behavior, for example, by using slang expressions that teachers failed to recognize. School staff acknowledged that uncovering bullying situations required active monitoring of student interactions and strong relationships with students. A teacher in one school setting conceded that there were still a few teachers who routinely overlooked bullying behavior due primarily to lack of attentiveness.
 - ***Shifting friendship dynamics.*** Staff reported that hurtful interactions often occurred among close friends, former friends, or students in the same social cliques. Conflicts over dating relationships were also a significant source of social bullying among girls from within the same social groups. School staff also noted that playful, but derogatory interactions (e.g., “crackin’” on each other and “playing the nines”) were common among boys, but had the potential to escalate into more serious physical altercations. These types of conflicts among friends often made it difficult for staff to interpret student interactions because the relationships among students were often unclear and because among students within the same social groups there was no clear imbalance of power.
 - ***Difficulty discerning student intent.*** Compared with staff in lower poverty schools, staff in higher poverty schools more often viewed bullying as a learned behavior that was modeled in social and family environments. These respondents believed that bullying and other lesser forms of aggression were often a manifestation of underlying issues, such as stress or trauma, conflicting behavioral expectations between family and school life, social skills deficits, or other behavioral and emotional challenges. Staff did not consistently perceive that bullying was done deliberately with an intent to harm, or that students fully grasped the harmful consequences of their behavior. This meant that the intent to harm, which was often embedded in definitions of bullying, was sometimes difficult to discern.

Relationship between state legislation and school practices

The challenges in identifying bullying situations were perceived differently across schools in different state legal environments. Specifically, the pressure associated with the identification process was heightened in states with strong state control and more prescriptive legislative provisions, which included mandatory reporting requirements, more extensive investigation procedures, and sanctions for school personnel who fail to report suspected incidents. School staff in these state environments were more inclined to immediately refer behavioral incidents to an administrator or other designee to minimize potential liability or time burden associated with handling incidents in the classroom, even when incidents were unlikely to be substantiated as bullying. The pressure to accurately identify bullying incidents was lessened in states where reporting was only mandated for incidents that could not be resolved through informal staff intervention, or in states where mandatory staff reporting was not required, although one district administrator in a state with no staff reporting requirements shared concerns about staff accountability and teachers’ willingness to proactively respond to bullying complaints.

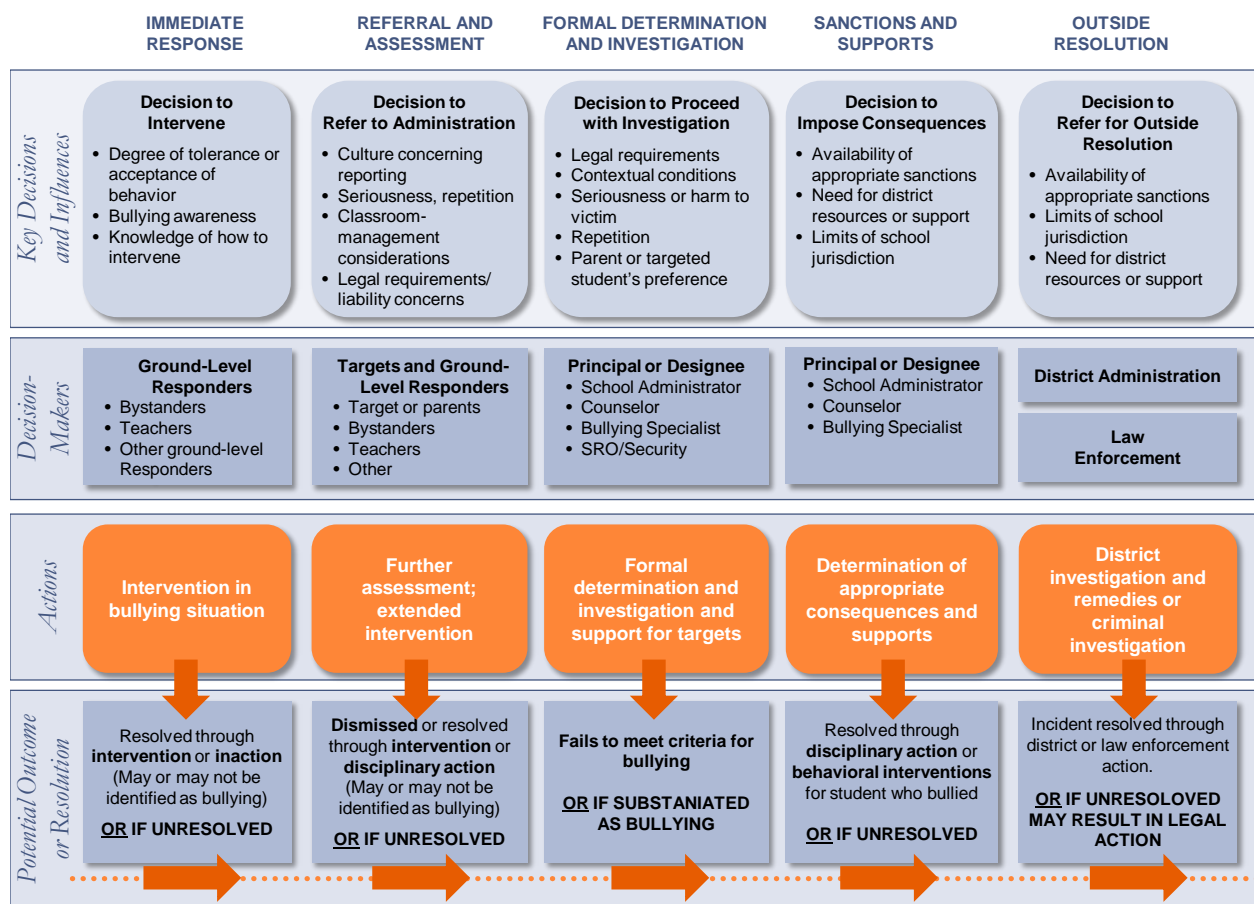
How did schools implement procedures for identifying, reporting, investigating, and assigning consequences for violations of school policy?

Once an alleged incident was identified as bullying, it triggered a formal reporting and investigation process outlined in legislation and school policies. State legal expectations for reporting and investigations varied considerably in scope and degree of burden placed on schools, ranging from

general statements concerning the need for reporting and investigation procedures to detailed mandates to establish formal complaint and investigation processes. These more formalized processes often involved structured interviews with bullies, targets, and witnesses, stringent timelines and accountability measures, and sanctions for non-compliance. Regardless of their scope, school staff believed that response procedures were an important mechanism for schools to improve their capability to uncover and address the most serious forms of bullying and to protect targeted students from harm.

Interviews with school administrators and other school personnel documented the process of recognizing and intervening in potential bullying behavior, substantiating and investigating bullying complaints, and determining appropriate sanctions. In all of the schools this process involved multiple participants, phases, and decision points. While state bullying laws and school policies helped shape this process, other influences were also important. These included community and school norms, the individual perspectives and orientations of involved participants, and the school environment (e.g., resources). Exhibit 6 presents a framework that identifies common procedural components and key decisions in the process as suspected bullying incidents move from identification to resolution.

Exhibit 6. Overview of process for responding, reporting, investigating, and resolving bullying incidents



The framework identifies five steps and related decisions that were typically involved in responding to and resolving potential bullying incidents. These include: 1) **immediate response**, or the decision

of school personnel to intervene in observed acts of potential bullying; 2) **referral and assessment**, or a student, parent, or school employee’s decision to formally report or refer an incident for assessment by a school administrator, counselor, or other designee; 3) **formal determination and investigation**, or the decision to conduct an investigation; 4) **the application of sanctions or supports**, or the decision to impose consequences; and 5) **referrals for outside resolution**, or the decision to refer unresolved incidents to an outside authority as needed. Each of these key decisions in the process is discussed in detail in the following section.

(1) Immediate response—Decision to intervene in observed acts of bullying

State bullying laws and district policies establish expectations for school employees to intervene in or report bullying incidents. This places most reporting burden on teachers and support staff who are the closest monitors of student interactions and usually the first to witness bullying situations or to receive bullying complaints first-hand. These staff must make the immediate decision to label an incident as bullying and to intervene or otherwise respond. This determination represents the critical first step in the response process that triggers the series of reporting and investigative actions that schools must take to comply with the law. Different factors influenced teachers’ decisions to intervene in a bullying situation include the degree of awareness or attentiveness to student interactions, the amount of tolerance for aggressive interactions among students, and the knowledge of how to intervene.

State laws set different expectations for school employees to respond to observed bullying incidents. These expectations ranged from mandatory reporting within specific timelines and with threats of disciplinary action to an absence of legal expectation for staff reporting in two others. One district policy specified the threat of termination for staff who violated the provisions in the policy. The second state law mandates that school personnel immediately intervene in bullying situations that they witness or that are reported to them, but must only report incidents to the administration that they conclude have not been resolved through the informal intervention. The third state law that balances state and local control over school policy does not set expectations for school personnel reporting, and places the responsibility for reporting on students and their parents. Finally, the state law in the local control state does not address staff reporting, but includes mandatory reporting requirements as part of the state model policy that schools may or may not choose to adopt.

School teacher and staff respondents all communicated that their schools took bullying very seriously and did not allow conflicts to continue unaddressed. The most commonly described approach to intervening in conflict situations involved separating students to address the aggressive behavior and evaluate the needs of the targeted student, and later bringing students together to discuss the conflict. Although staff described similar approaches to intervening across school settings, the content of staff interventions (i.e., what school staff communicated to students involved in bullying) was highly individualized and, in some instances, was contrary to recommended practice. For example, researchers have advised against the use of conflict management or peer mediation approaches to address bullying situations because these strategies assume shared responsibility for students interactions and may further victimize the targeted student (www.stopbullying.gov). With the exception of one school district, school policies and school training activities did not provide staff with instruction on how to effectively intervene in bullying situations (i.e., what to say and do). This area represents an important gap in school based bullying policies, particularly considering the frequency with which school staff were called upon to intervene in potential bullying situations.

(2) Referral and assessment—Decision to refer an incident to an administrator or designee

The second step in the response process involved the decision to formally report an alleged bullying incident or to refer an incident for further review to better determine whether bullying was present. Teachers in 7 of 22 schools noted that intervening in classroom-based bullying situations created a significant disruption due to loss of instructional time and preferred to refer students to school counselors and school resource officers (SROs) or security officers as a resource for immediate intervention. This was particularly true in schools where these individuals were well-integrated into the school community and had established trusting relationships with students and school personnel. SRO's were also often included in discussions with potential bullies to reinforce the seriousness of bullying behavior. The referral and assessment process included both informal and formal reports made verbally or in writing that were submitted by students, parents, or school personnel.

Teachers and other staff in these school settings used referrals to intermediaries as a strategy to further assess bullying situations before initiating a formal bullying complaint. This pre-investigation process appeared to alleviate some burden tied to more formal investigations triggered by an official complaint. The referral process also gave counselors or other support staff opportunities to re-teach behavioral expectations, gather more information about alleged incidents, and better determine whether a formal bullying report and investigation was needed. This approach was more likely to be used in school settings where teaching staff viewed counselors as trusted supports, and was less likely to be used in schools where counseling staff were perceived to be overburdened, insufficiently trained, or not well-liked by students.

School personnel reported that opportunities to share information about students and discuss potential bullying incidents helped staff make informed decisions about whether to refer or report incidents for further assessment. For example, staff in schools that held teacher “town halls” or team meetings, or that were organized into small learning communities perceived that discussions helped them better identify repeated incidents observed by other teachers. Interview respondents in one school that had discontinued team meetings commented on the loss of the ability to track student behavior and more effectively monitor potential bullying situations.

Student reporting

Districts and middle schools in the study all created mechanisms to encourage targeted students to formally report alleged incidents of bullying to school staff. In one of four study states students and parents bore sole responsibility for reporting bullying incidents and school policy violations. Despite efforts to encourage students to disclose bullying to teachers, administrators, or other adults, school staff perceived clear challenges concerning students' willingness to report. School policies gave assurances that students' reports would be kept confidential, and 12 of 22 middle schools structured their reporting processes to enable anonymous reporting. Schools developed web-based reporting forms (e.g., silent reporting form), contracted with telephone hotline providers to alert school administrators to bullying issues (e.g., Safe Schools Alert), and placed anonymous student reporting boxes throughout the school campus. Ten schools hosted guest speakers to raise bullying awareness, four invited SROs and other local law enforcement to present information to students, and seven schools disseminated educational materials to students that were developed by school counselors, including one school that instructed students on how to differentiate between “tattling” and “telling”.

“Most kids that get bullied aren’t going to say anything. They wait until it’s been going on seven or eight times until they finally explode. . . . These kids are intimidated or scared and they don’t want anybody to think they’re weak. Kids today have more pride than anybody when it comes to telling about something negative in their life.”

—Campus security, urban middle school

Respondents believed that this information contributed to increased awareness of bullying as a priority issue in the school, but were unclear about how much it influenced student behavior. For example, staff perceived that strategies to encourage student reporting were less effective in environments with a strong “no snitch” culture where students were highly reluctant to report bullying or other behavioral incidents to adults. This was particularly true in schools with a strong gang presence where students feared retaliation for reporting bullying incidents.

Staff also shared examples of how strategies to encourage student reporting had unintended consequences. For example, a school that made student complaint forms widely available through the front office, found that students with limited understanding of how bullying was legally defined became empowered to report on their peers for any minor dispute. One respondent noted that students often threatened to “write each other up” using the bullying complaint process. Ultimately, the volume and triviality of many of the reports added to investigative burden and reduced the form’s utility for uncovering more serious bullying incidents.

Parent reporting

Although schools encouraged parents to notify them of bullying complaints, district administrators in 6 of 11 districts expressed concerns related to parent involvement in the reporting and investigation process. School administrators felt that parents often had a poor understanding of how bullying was defined, which contributed to over-reporting of alleged incidents. This was a particular concern in the state with the most prescriptive state bullying law, where a report of bullying triggered an extensive investigation that included a written summary for the superintendent and reviewed by the school board. School administrators in two of the four schools used clarifying discussions with families to better inform parents about bullying criteria (e.g., repetition) before pursuing a formal complaint.

Use of incident reporting forms

Incident reporting forms specific to bullying behavior were also common element of school bullying policy across states and districts. Nine of 11 district policies specifically referenced incident reporting forms and eight districts required their use. All 11 districts created or were developing standardized incident reporting forms to notify school administrators about bullying complaints. Forms were oriented toward different audiences (e.g., students, parents, school staff, witnesses), often reflecting the influence of state bullying law (e.g., student and parent complaint forms were used in State C where parent and students were solely responsible for reporting). Forms also served different purposes and were tied to different phases of the procedural process. Some were designed for initial reporting to alert school personnel to bullying situations, whereas others were primarily used at a later phase to more formally document alleged complaints or to track school or district responses. In State A, where documentation of incidents must be completed within a set timeframe, incident reporting forms were universally completed by the bullying specialist or other designee to guarantee compliance with the law.

School personnel in eight of 20 middle schools with active forms specific to bullying reported that forms were rarely or never used. For most school personnel, informal verbal reports or more general discipline referral forms remained the most commonly used mechanisms for referring any conduct issues to the school administration, even after schools introduced incident reporting forms. Standard discipline forms did not specifically identify bullying as one of the listed reasons for referral, which appeared to contribute to underreporting. Two schools that were transitioning to new incident reporting forms relied on a combination of incident reports and discipline referral forms, which created challenges for maintaining consistency of data reporting across staff.

Overall, staff or administrators who perceived that their school culture favored reporting attributed this to highly visible student reporting processes, open-door policies encouraging students to bring concerns to the administration, or strong disciplinary environments that deterred bullying behavior. Even so, staff across all schools believed that the majority of bullying that occurred in their middle schools remained largely undetected.

(3) Formal determination and investigation: Decision to proceed with an investigation

Formal investigations were used to substantiate that suspected incidents met criteria for bullying as defined by law and guided decisions regarding disciplinary consequences and supports for victims. Investigations typically involved a) conducting interviews with students who bullied, who were targeted, and who witnessed or had knowledge of the incident, as well as other school personnel; b) reviewing written statements from bystanders or other witnesses; and c) where feasible, reviewing records of past incidents to determine whether there is evidence of a repeated pattern of behavior. For cyberbullying, respondents reported that text messages on cell phones or screen shots of social network or other computer messages were sometimes submitted by students or parents. The initiation of the investigation process typically involved written documentation of a bullying allegation, though only State A required these to be submitted to the district and reviewed.

School administrators often identified the investigation process as the most time consuming policy requirement. One bullying specialist estimated that it often required 8 to 16 hours of staff time to fully investigate a bullying incident. Schools with staff assigned to bullying roles agreed that having staff dedicated to bullying roles was an important asset and improved their schools' capacity to conduct thorough investigations. The school administrator in one school described the role of the school safety team, comprised of the principal, vice principal, and bullying specialist, in conducting an initial incident review to determine whether to launch a full investigation. This preliminary review process lessened the investigation burden by screening out less serious incidents that did not warrant investigation and its associated burden.

(4) Sanctions and supports—Decisions to assign consequences

School administrators concluded bullying investigations with the decision to assign consequences for bullying behaviors as defined by law and policy were made after investigations were completed, and a determination was made concerning whether the behavior met criteria for bullying. Three of four state bullying laws require school districts to specify consequences for bullying behavior in their school district policies. One state requires that consequences include interventions to remediate impacts on target students. School administrators had considerable discretion in assigning consequences to students who bully.

School administrators utilized a range of punitive consequences (e.g., suspension, expulsion) to address bullying incidents. Site visitors characterized six schools as having less punitive instructional

approaches to school discipline that were consistent with a supportive discipline orientation, such as the Positive Behavioral Intervention and Support (PBIS) framework. School administrators in 4 of the 11 schools that identified challenges associated with disciplinary consequences reported that the use of suspension and expulsion to address the bullying problem was often counterproductive. These administrators believed that removing students from school failed to address their underlying behavioral issues and that patterns of behavior often continued once students returned to school. One administrator reported that the bullying problem was too widespread to be effectively resolved through suspension and expulsion, and expressed concerns that removing them from school would expose students to safety risks in their home and neighborhood environments.

Schools with access to behavioral support resources referred bullying-involved students to in-school and community-based programs. Examples included school-based bullying intervention programs, anger management programs, after school interventions, and other remedial programs. These options were limited by the availability of resources and were not always funded through schools. Districts occasionally used federal, state, or private grants as additional resources to strengthen in-school counseling and behavioral support.

“We need to develop a process that’s responsive to legitimate concerns that victims may have, but do it in a way that is educational for the students involved and that will change their behavior—not just trying to impose consequences. From the research we know that bullying is a learned behavior. We need to focus on how to unlearn it.”

– SEA Representative

(5) Outside resolution: Decision to refer outside the school for resolution

School administrators resolved most bullying incidents within the school building, although administrators occasionally determined that issues could not be appropriately resolved at the school level and should be transferred outside of their immediate jurisdiction. Examples included cases involving clear violations of criminal law, cases involving cyberbullying, or unresolved cases or those involving parental complaints.

Schools are required by law to report criminal violations to law enforcement officials and often maintained explicit agreements with law enforcement agencies or developed guidelines detailing the circumstances under which incidents must be reported to law enforcement authorities. Five of 22 middle schools had formal procedures for working with local law enforcement to address bullying issues. School administrators referred incidents to local law enforcement in cases of cyberbullying. This was common in schools where state bullying laws or district policies limit the scope of a school’s jurisdiction to behavior that occurs on school grounds, which constrains the schools’ ability to impose discipline or corrective action. School administrators also referred cases to law enforcement in districts with state criminal codes that included violations against cyberbullying. Schools noted that law enforcement often had fewer technological constraints and better resources to conduct cyberbullying investigations, which alleviated time and resource burden on schools.

Districts also occasionally intervened in bullying issues to either support or assume control over an investigation. District representatives identified several situations that might warrant district involvement, including cases where parents complained that schools had not resolved issues appropriately, or cases in which parents took legal action against a school. Parents in three of the 11 districts in the study brought claims of action against the district in response to bullying concerns.

Two states require districts by law to appoint a district compliance officer or anti-bullying coordinator to review and approve investigations and to reinvestigate as needed.

Substantiated incidents of bullying

The purpose of the incident response process was to substantiate alleged incidents as bullying; although in practice, when legal definitions of bullying were applied to behavioral incidents, it resulted in relatively few confirmed cases. Six of sixteen schools in the study with state incident reporting requirements recorded no substantiated cases of school bullying in the study year. For example, in one study district school administrators substantiated one incident of bullying out of 25 alleged incidents in one schools and one of 45 alleged incidents in the second school. While the number of bullying incidents defined in policy was small, these cases often represented serious harm to targets, and a threat to other students.

How did schools document bullying incidents to support monitoring and accountability?

School procedures for responding to allegations of bullying also often included formal processes for documenting and compiling incident reports, investigation processes, and school actions, and in some states, submitting data for review by local school boards or state agencies. These data monitoring activities supported several purposes including monitoring safety conditions in schools, supporting planning and decision-making to address future bullying issues, holding schools accountable to legislative and policy expectations, and protecting schools from liability.

State bullying laws outlined very different expectations for reporting bullying incidents. The four states in the bullying study each maintain statewide, web-based data reporting systems that capture a range of educational performance data, including data on school disciplinary actions. However, there was significant diversity in state data reporting infrastructure and legislative and policy expectations for documenting incidents of bullying and harassment across states. All states already had uniform reporting systems to record serious disciplinary actions that were established under other legislative or administrative regulations. In three states, these systems were modified to capture bullying behavior in a format compatible with how bullying is uniformly defined under state law. The fourth state does not define bullying in legislation, and there is no systematic collection of data on bullying behavior that can be aggregated to the state level. Two state data reporting systems limit reporting of bullying and harassment incidents to cases that result in suspension or expulsion, whereas the third state documents all substantiated bullying cases, creating the capacity to produce more systematic information concerning bullying prevalence. This state's bullying law also details how the state will use system data to improve school accountability.

Data on bullying incidents resulting in suspension and expulsion provides information on implementation of school disciplinary policies and practices, but is less useful for measuring bullying prevalence. Because districts have substantial discretion over their own disciplinary policies and how they are applied, there is limited comparability of data across schools and districts. To produce systematic information concerning bullying prevalence, including the range of bullying behaviors and how they occur, systems must have the capacity to document all substantiated bullying incidents, not just those that result in serious disciplinary actions. State A is the one state in the study with a state-level data reporting infrastructure that will capture incident data more broadly. Under the new state bullying law, districts are required to report all confirmed incidents of harassment, intimidation, and bullying that meet the state's definition, including incidents that occur off school

grounds. Districts must also document the number of investigations conducted each year, the number of trainings districts and schools provide to prevent and reduce bullying and harassment incidents, and the types of programs that schools are implementing to promote positive conditions for learning. However, at the time of this report, this data collection and reporting system was not yet fully operational. The bullying law in State A also identifies ways in which required bullying incident data will be used at the state level to support school accountability. The bullying law requires the SEA to establish a school grading system that integrates incident reports into ratings of school bullying prevention activities and responses. The state had not yet determined how it would implement the grading system at the time of this study. Neither of the other two states specified the use of data in their bullying laws; however, the availability of the information means it may be used to inform policy making or for other purposes.

Data content, quality, and comparability

Schools and districts in the study were in the early process of formalizing reporting procedures. Interviews with respondents uncovered several data quality issues that contributed to inconsistencies in data reports and that limited comparability of data across schools and districts. These issues stemmed from differences in how prohibited behavior was defined across districts and how school staff implemented bullying response procedures. States that granted districts the flexibility to establish their definitions of prohibited behavior could not provide uniform data at the state level because incident information did not measure comparable behaviors.

“We don’t just have apples and oranges; we have four hundred different types of fruit out there with different definitions.”

—State representative, State D

The comparability of data across schools and districts was also limited by differences in how policies and procedures were implemented at the district and school level. These procedures included when bullying reports were initiated, who completed them, what steps were taken to substantiate cases, and whether records of incidents were recorded based on resulting disciplinary actions (suspensions and expulsions).

Generally speaking, complaints of bullying that are reported as incidents before information is substantiated (i.e., before a determination is made that the behavior meets the formal definition of bullying behavior) are likely to result in higher reporting of bullying behavior compared to schools that report incidents that have been investigated and are confirmed to be bullying acts. These sources of inconsistency argue that measures of bullying prevalence that are meaningful at the school building level, may be subject to comparative under- or over-reporting at the district or state level, particularly in states where there was greater diversity in bullying definitions and procedures.

Local uses of incident data

For schools to address behavioral incidents effectively they must also have an accurate understanding of the nature and scope of the problem (Nieman, 2011). Interviews with school administrators revealed that schools not only compile incident data, but actively review incident reports. Approximately half of the schools in the study reported actively reviewing compiled incident data at the school building or district level for different purposes including planning and decision-making, protecting schools from liability, and supporting investigations. School administrators in schools reported using incident reports to assess school needs or to isolate

problem areas. Often this was part of the data review process of the Positive Behavioral Intervention and Support (PBIS) framework. Districts in the strong state control state (State A) were required by law to establish a school safety committee tasked with evaluating local data statistics to determine how to most effectively address school needs.

Schools have also come increasingly under fire from parents and outside entities for a lack of transparency regarding investigations of bullying incidents (Zawistowsky, 2012; NYCLU, 2012). This has led schools to focus on using written records to document reports and investigations to protect themselves from liability. School and district administrators also reviewed student records to identify students with a history of bullying involvement often to establish whether an identified incident was part of a persistent pattern of behavior. This reliance on records helped to overcome the challenges inherent in identifying repeated bullying situations when repeated incidents are difficult to substantiate based on observation alone.

Conclusion

This chapter demonstrated the diversity in state data reporting infrastructure and legislative and policy expectations for documenting incidents of bullying and harassment across states. All four states already had uniform reporting systems to record serious disciplinary actions that were established under other legislative or administrative regulations. In three states, these systems were modified to capture bullying behavior in a format compatible with how bullying is uniformly defined under state law. The fourth state does not define bullying in legislation, and there is no systematic collection of data on bullying behavior that can be aggregated to the state level.

The discussion of bullying incident data in this section indicates that the creation of accurate, consistent data concerning the occurrence of bullying represents a significant challenge. At the time of the study, systematic and reliable data reporting systems for bullying policy implementation in the study states were not yet in place. Due to inconsistency in measurement, it was not possible to determine whether observed differences in reported bullying across schools was due to differences in procedures for reporting, differences in implementation fidelity, or differences in actual bullying rates.

V. School Strategies to Prevent and Reduce Incidents of Bullying Behaviors

State bullying laws have traditionally focused on school responses to students who violate rules of conduct, placing less emphasis on the mental health or social support needs of targeted students. Although the predominant focus of most state bullying legislation and school policy was on the incident response process all states within the study implemented school-wide components that focused on reducing or eliminating existing bullying problems, preventing the development of new bullying problems, and creating safe and positive school learning environments that encourage positive relationships among students. These components include communication, professional development, school-based prevention, and access to mental health supports for targets of bullying behavior.

Key findings

- Schools in the study each developed strategies to communicate policy information to the school community, including publicizing policies in student and parent handbooks, codes of conduct, and other school communications; posting policies on websites; and presenting information at parent-oriented events. School staff agreed that these efforts contributed to increased visibility and attention to the bullying issue. Still, respondents felt that student and parent understanding of bullying definitions and school procedures was limited.
- School personnel training on bullying policies and procedures ranged from informal reviews of student codes of conduct to more structured, in-depth professional development activities. Staff consistently identified a need for training on how to intervene effectively in bullying situations and for ongoing training throughout the school year.
- School responses to incidents of bullying were shaped by expectations in state bullying laws, which predominantly focus on students who violate rules of conduct, placing less emphasis on the mental health or social support needs of targeted students. For many schools, mental health supports were relatively unstructured, and limited to informal monitoring of students by school counselors or other concerned staff.

This chapter discusses how schools implemented components of state bullying laws and school policies that address the climate in schools related to the prevention and reduction of bullying behavior and the provision of safeguards and supports for targeted students. This chapter describes the implementation of four specific components of school bullying legislation that include communicating school bullying policy expectations to students, parents, and school faculty, training school personnel on how to recognize and respond to bullying situations, using programs and strategies to prevent and reduce bullying behaviors, and safeguarding and supporting students who have been targeted. The chapter describes provisions in legislation across states related to each of the four components and discusses how schools fulfilled these legal expectations in practice. The chapter answers the following questions:

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- What were the legal expectations for schools to communicate bullying policies to school staff, parents, and students and how were these policies communicated in practice?
 - What were the legal expectations for schools to provide professional development opportunities to educate staff about school bullying policies and how did schools address staff training in practice?
 - What were the legal expectations for schools to implement prevention strategies and how were these strategies implemented?
 - What were legal expectations for schools to provide safeguards and supports to targeted students and how did schools provided these types of supports?

Communicating school policies and procedures

Clear communication of policy is essential to ensure that all members of the school community share an understanding of how bullying is defined, are aware of their responsibilities to carry out policy expectations (e.g., expected conduct, requirements for reporting), and understand the consequences for violating school rules or policy guidelines (Lerman, 2010). State bullying laws in the four study states addressed the communication or dissemination of school policy in different ways ranging from instructing schools to publicize their board policies to incorporating detailed mandates dictating how schools must disseminate policy information. Nine of 11 district policies in the study contained some reference to how schools must publicize their policies and procedures. Minimally, all nine required schools to publish policies in their student handbooks or codes of conduct, and six policies required district staff to publish policies on their school or district websites. Five district policies in the two states with the most expansive state bullying laws also contained explicit requirements for schools to: prominently post policies in school buildings, provide contact information for designees appointed to receive bullying complaints, translate policies into families' languages of preference, and discuss policy content with students.

Communicating with parents

Parent communications focused on communicating behavioral expectations for students, educating parents about how to talk with their children about bullying, and instructing parents on how to communicate concerns to their schools. Schools used a number of outreach strategies to notify parents about school bullying policies, although parent outreach was not strongly emphasized in any school-based bullying policies.

Nearly all schools published bullying policies in student and parent handbooks or codes of conduct that were distributed to parents at the beginning of each school year (20 of 22 schools). Three schools required parents to provide signatures acknowledging they had read and reviewed codes of conduct with their child and two districts notified parents that bullying policies were accessible online as required by law. Seventeen schools posted school bullying policies and information on their district websites. Ten of 22 middle schools implemented more active outreach efforts to communicate with parents, for example, distributing newsletters and home-school communications featuring bullying information, presenting information at parent orientation events, or implementing awareness raising activities that included parent-oriented workshops. School administrators in two districts also discussed the occasional need to reactively inform parents about bullying incidents that occurred in their schools and to urge parents to talk about these incidents with their children. Schools typically conveyed this information through letters home to families.

State, district, and school administrators acknowledged that parents were important partners in addressing bullying on their campuses; although administrators identified significant challenges to working with parents effectively. When site visitors asked district administrators to describe the most significant challenges they encountered when implementing new bullying policies, administrators in 6 of 11 districts identified challenges communicating with parents. School administrators expressed concern that increased visibility around bullying issues and overuse of the term bullying had encouraged parents to label conflicts among students as bullying incidents without fully understanding what constitutes bullying behavior. Parents were also often uninformed about the constraints that schools faced in responding to bullying allegations, which made communication more challenging.

“Probably the most difficult thing is that we don’t get to train our community. When you look at the definition, there are cases where a one-time incident could be considered harassment, intimidation, and bullying. But there are also times when a kid had a bad day and he bit another kid. Whether you like it or not, a fight is a fight, and it’s not harassment, intimidation, and bullying. I know that sounds crass, but it’s really not—that’s just how it is.”

—District representative, urban district

This mislabeling of student conduct issues was particularly problematic for districts and schools in states where the bullying law required schools to conduct highly formalized investigations whenever bullying was alleged (e.g., states that required significant paperwork and external processes for review with limited timelines). Student and parent complaints that failed to meet the threshold for bullying still required an investigation under the law, placing excessive burden on school administrators and other staff. One district administrator suspected that students and parents occasionally used claims of bullying to garner more immediate attention to their needs from their school and district administrators. District administrators in more litigious districts also expressed concern over parents’ mislabeling of minor conflicts, when use of the term bullying can expose districts to potential liability, even when bullying claims are unsubstantiated.

“We have five days to conduct an investigation, but what people don’t understand is that sometimes when you really get into significant cases, there could be 40 kids involved. To thoroughly do an investigation, you’re going to gather all of your information so you have a good picture of what’s going on. Some of those interviews may take five minutes and some of them may take 10 to 20 minutes. That’s time.”

—District representative, urban district

School and district administrators also experienced challenges communicating with families about school responses to bullying violations due to limits on the types of information that districts could disclose. Specifically, one district administrator noted that parents of targeted students often became frustrated when school officials were unable to inform them about disciplinary actions taken against the child who bullied. She explained that under the *Federal Educational Rights and Protections Act (FERPA)* districts could not share student records with other parents, including the outcome of bullying investigations. She believes that this legal constraint gave families the impression that schools were not transparent in their handling of bullying incidents.

Communicating with students

Schools also used a variety of strategies to communicate bullying policies to students, which ranged from general reviews of codes of conduct to more highly visible, focused efforts to educate students about bullying and its impacts. Schools all distributed student handbooks or codes of conduct to students at the beginning of each school year and teachers or school administrators routinely reviewed behavioral expectations with students in-class or as part of school-wide assemblies. These reviews of school rules and procedures were part of traditional school approaches to inform students about expectations for behavior and consequences, and were not specifically tied to bullying legislation or policy. Five school districts were also required by law to post bullying reporting and policy information in all school buildings. These posters were visible to site visitors in each of the 10 schools in these districts. Schools also used opportunities for daily announcements via the public announcement system to remind students of behavioral expectations. For example, three middle schools used school or district cable television stations, or public announcement systems to provide periodic reminders to students about behavioral expectations in their schools.

Training school personnel

State bullying laws in two of four states in the study included provisions for training school personnel on bullying policies and procedures. The two strong state control bullying laws mandated training for school personnel, although the requirements for State A were significantly more extensive, requiring training for “all school employees and volunteers who have significant contact with students.” Public school teachers were also required to participate in two hours of professional development on suicide prevention that addresses the link between suicide and bullying victimization. Additionally, it mandated changes to teacher, administrative, and supervisory certification programs to incorporate bullying instruction, required training on bullying for all incoming school board members, and required state law enforcement agencies to develop training curricula for school resource officers and school law enforcement liaisons. Finally the bullying law required the SEA to offer in-service workshops or training programs for all district anti-bullying coordinators and school bullying specialists, and to develop technical support resources in the form of an online tutorial on bullying prevention. The second strong state control law required districts to provide annual training to all school personnel that reviewed the policy and procedures, staff roles and responsibilities, how to monitor common areas, and how to use the standardized incident reporting form. State bullying laws in the more local control states did not mandate training for school employees.

Districts and schools implemented a mix of training approaches that varied in content and intensity ranging from informal reviews of all school policies and procedures to more structured, in-depth professional development activities. All of the school districts in the study conducted some minimal form of training for school personnel, usually at the beginning of the school year. In seven of the 11 districts, the district administration developed materials or curricula to train school administrators or other designated staff. School administrators would then use a training-of-trainers model to train their own school building personnel. Two districts also received formal training through the state for their anti-bullying coordinators and specialists. In the other four districts in the study, individual schools initiated their own training programs or activities without support or guidance from the district office. Site visitors identified three different categories of training approaches used across study schools. These categories include:

- **Review of all school procedures, including procedures specific to bullying.** The least intensive category of training involved brief reviews of bullying definitions and policy

provisions as part of a more general review of all school rules and guidelines. Three of 11 districts in the study used this approach to inform school personnel about bullying policies. These reviews were conducted as part of staff in-service training held at the beginning of the school year and were not specifically tied to expectations in bullying legislation. These approaches were relatively unstructured with no formal training curriculum.

- **Focused reviews of bullying definitions and procedures.** The second category of training focused on educating staff about the bullying law and reviewing the content of policies and procedures and how to implement them. This approach was more time intensive than the more cursory review, and was usually guided by a formal training curriculum or set of materials (e.g., PowerPoint presentations or videos). Content typically focused on educating staff about the definitions of bullying and how to identify bullying situations. Training curricula often included role plays or practice scenarios to help staff identify and define bullying behavior in context. Six of 11 districts used these more substantive reviews of policy and procedure to train school personnel.
- **Professional development.** The third category of training involved formal professional development to educate staff about school bullying issues and was not exclusively focused on implementation of policy and procedures. These more intensive professional development opportunities involved one or more days of training that focused on increasing understanding and awareness of bullying behavior and impacts. Two of 11 districts provided these more intensive training opportunities. One district contracted with a nationally-known educator and licensed counselor who offered a one-time, day-long seminar for all school personnel. The second district developed resources internally, and, at the time of the interview, was developing the second part of a two-part training curricula that will focus on how to effectively intervene in bullying situations.

When interview respondents were asked about what types of additional training or professional development opportunities would be useful to them, the most commonly identified need was for training on how to effectively intervene in bullying conflicts. School bullying experts argue that when disciplinary interventions are consistently implemented across school staff and are consistent regardless of which student is engaging in the behavior, then students are more likely to perceive the intervention as fair and to learn from it (Davis, 2007). However, research has demonstrated that school personnel are often unaware of how to appropriately respond to acts of bullying when they observe them (Allen, 2010).

Strategies to prevent and reduce bullying behavior

State bullying laws in three of four study states included a school-based bullying prevention component that set legal expectations for districts to incorporate prevention into their school policies and practices. These legal expectations ranged from requirements to implement character education, prevention strategies specific to bullying, and whole-school approaches to preventing harassment, intimidation, and bullying and improving conditions for learning in schools. Seven school districts referenced prevention strategies in their school bullying policies and schools were implementing some form of bullying awareness or educational activities at the time of the study, although these activities had considerable range in their scope and intensity and were at various stages of development.

Site visitors identified four separate categories of prevention activities that schools were implementing. These included:

- **School-wide awareness-raising activities** (one-time events or short-term activities). All schools in the study engaged in some form of education or awareness-raising activities with their students to increase awareness about bullying issues, to communicate anti-bullying messages, or to encourage students to report bullying incidents and not be bystanders. Six schools sponsored bullying prevention weeks or special theme days or asked students to sign “no-bullying” contracts. Five schools featured popular inspirational assemblies and presentations highlighting the experiences of students who were bullied (i.e., Rachel’s Challenge, Ryan’s Story), four schools provided presentations by school resource officers (SOR) to educate students about cyberbullying and the potential dangers of social networking, and six schools featured presentations and assemblies from other guest speakers. Five of 22 schools relied exclusively on these lower intensity interventions to address bullying prevention needs in their schools. Although researchers have cautioned that these types of brief assemblies or one-day awareness raising events are not sufficient to address climate in schools or to produce long-term effects (Bradshaw & Waasdorp, 2011).
- **Universal or targeted classroom-based prevention curricula.** Seven study schools implemented classroom-based prevention education programs. These programs were integrated into core academic courses, physical or health education classes, or homeroom or advisory periods. These short-term programs included evidence-based prevention curricula, other anti-bullying prevention programs, health education, and custom-developed guidance counseling materials.
- **Youth engagement, youth leadership, and peer mediation activities.** The third category of prevention strategies encompassed a range of voluntary, youth leadership and engagement activities that created opportunities for youth to participate in school-based prevention efforts. Examples included programs that encouraged dialogue between students and school administrators to identify areas for school improvement or to inform administrators about bullying issues among students, peer mediation programs that trained students to help resolve conflicts among their peers, and cross-age mentoring opportunities for older youth to share bullying experiences with younger students. Three schools were implemented these youth engagement strategies at the time of the school data collection.
- **Whole school approaches to improve academic and behavioral outcomes.** The fourth category of prevention strategies included whole-school prevention approaches or behavioral frameworks that addressed conditions for learning. Fourteen of 22 study middle schools were currently implementing or planning to implement these approaches district-wide. These school-wide prevention approaches have been applied in school settings to address bullying-related problems and have been successfully used to establish expectations related to bullying behavior and to shift cultural norms regarding the acceptance of bullying and the roles of bullies and bystanders (O’Brennan, Bradshaw, & Sawyer, 2009). Schools implemented the Positive Behavioral Interventions and Supports (PBIS) framework in 5 of 11 districts. This was the most common evidence-based model used in the study. One district planned to implement the Olweus Bullying Prevention Program, and two others were school-wide school climate and behavior management strategies. Schools funded these programs through external sources, including one-time investments under the *American Reinvestment and Recovery Act of 2009* and other grant programs.

Education and awareness raising assemblies were usually one-time opportunities that would be repeated if funding became available. The advantage of these programs was that they were low cost, low burden, and feasible for schools to implement. School personnel reported mixed reactions to these school-wide assemblies. Staff were encouraged by student responses to program content, although many were skeptical about a program's staying power and expressed concern about the ability of staff to sustain the momentum for implementing follow-up reflections. Schools reported funding these presentations using student funds or by cost-sharing with other school sites and supporting multiple school presentations in the community.

School personnel seemed more optimistic about the potential of whole-school, evidence-based approaches to impact school climate and to create lasting changes and perceived value in programs that clearly conveyed behavioral expectations to students.

Most of the schools that implement evidence-based classroom programs or whole-school approaches were either in the planning or early implementation stages. In two districts in state with the most prescriptive legislation, the adoption of new prevention program strategies was clearly tied to new provisions in the law, whereas in other states, decisions to implement prevention strategies were often guided by other influences (e.g., Federal grant initiatives, opportunities for funding).

Schools in the study experienced challenges implementing and sustaining their program. These challenges included insufficient follow-up training to reinforce learning, insufficient financial support from the district to maintain the program incentives, concerns about the emphasis placed on rewards for expected behavior, and insufficient support in terms of dedicated hours and compensation for counseling staff assigned to implement the new framework, or more specifically that responsibilities for implementation assigned to the coordinator had not been tied to additional hours or compensation.

Funding for prevention

Prevention programs, including both single event awareness raising activities and whole-school prevention approaches, were usually funded through one-time sources or relied on cost off-sets from other funding programs. School and district administrators identified constraints related to funding prevention programs. One district administrator indicated that cost had strongly influenced the administration's decision to custom design a prevention curriculum rather than expend resources to cover the high cost of purchasing evidence-based programs.

How did schools implement safeguards and supports for targets of bullying?

Researchers have linked bullying victimization to a range of negative outcomes in later adolescence and young adulthood, including an elevated risk for psychiatric disorders and suicidality (Copeland, Wolke, Angold, and Costello, 2013). Accordingly, experts on bullying prevention stress the importance of providing psychological supports for targets of bullying behavior and addressing factors that place students at risk for bullying victimization (Sherer & Nickerson, 2010). State bullying laws and policies to address school bullying behavior have traditionally focused on how schools must respond to students who violate rules of conduct, and have been less likely to emphasize the mental health or social support needs of the students who are targeted. Specifically, the *Analysis of State Bullying Laws and Policies* report found that among the 46 states with bullying laws, only 13 communicated expectations for local school systems to respond to the mental health or social support needs of students who are bullied.

There was considerable diversity in how states and school board policies and procedures addressed the support needs of targeted students. The two states with strong state control established expectations for districts to address mental health and social support needs of bullied students. The legislative expectation in State A was that districts identify a range of responses to bullying that include counseling and support services for targeted students. This legislative expectation translated into the most concrete, actionable language concerning provision of student supports found in district policies. The bullying law in State B, the second most prescriptive state, included general language mandating that local school systems “make support services available to students subjected to harassment, intimidation, or bullying.” State C’s harassment prevention law did not establish any legal expectations for schools to safeguard or support targeted students. District policies within the state generally conformed to this standard, limiting the extent to which they address targeted students’ needs. The strong local control state had the most diverse district policies with regard to how schools were required to address student support needs. Specifically, one policy had no student support provision, one contained a vague requirement for schools to provide students with “the tools to empower them to overcome negative effects of bullying,” and a third required administrators to arranged for guidance counselors or pupil services staff to provide direct supports to targeted students.

School personnel primarily used informal, unstructured approaches to monitoring and safeguarding targets to protect them from retaliation or continuing involvement. This was particularly true with regard to efforts to safeguard bullied students from further bullying incidents. School personnel mentioned using periodic check-ins with students, monitoring future interactions, and in more serious cases, changing class schedules to limit contact between targets and their aggressors. School administrators also reported using no-contact orders to maintain separation between bullying-involved students.

Schools addressed the emotional support needs of targeted students by providing direct one-on-one counseling interventions delivered by school personnel or by referring students to outside community-resources. Schools with partner agreements with outside mental health providers or family service agencies also reported occasionally referring students to these community-based providers, although referrals to outside agencies were largely dependent on the availability of local resources or were only used with students exhibiting serious mental health needs.

The most commonly identified challenges to providing behavioral and mental health supports included costs for schools and families to directly provide counseling or other supportive services or to access services in their communities, insufficient training of school counselors and other staff to provide in-school psychological counseling, and stigma surrounding mental health problems that makes students and families reluctant to seek help. These costs were typically associated with needs to deliver more intensive therapeutic interventions. Two district administrators mentioned that services are available in the surrounding communities, but that families lack insurance that would help them cover the costs of services. One school counselor admitted to never referring students to community-based mental health providers due to concerns that the school would be held liable for covering the costs of care. The need for more training and the time required for counseling were the biggest challenges to addressing student mental health needs through internal school counselors. Costs for school-based services were largely indirect costs, and measured in time required to provide one-on-one interventions to students. Most district representatives expressed concerns that counselors were already overburdened, and questioned the ability of school counselors to manage caseloads and still meet the academic and other needs of all assigned students.

School and district administrators also shared concerns about the ability of personnel trained as guidance counselors to adequately meet the social and emotional support needs of higher risk students who may require more therapeutic interventions. School counselors also noted the challenges associated with mental health stigma and the reluctance of students to admit that they could benefit from mental health supports.

Chapter summary

All schools in the study used strategies to communicate policy information to the school community, including publicizing policies in student and parent handbooks, codes of conduct, and other school communications; posting policies on websites; and presenting information at parent-oriented events. Schools also used a variety of strategies to communicate with students that ranged from reviewing codes of conduct to more visible, focused efforts to educate students about bullying and its impacts and to communicate behavioral expectations. School staff agreed that these efforts contributed to increased visibility and attention to the bullying issue. Still, respondents felt that understanding of bullying definitions and school procedures was limited among students and parents.

School personnel training provided a mechanism for schools to convey expectations to school employees about their responsibilities under the law, and to provide guidance on how they should identify and respond to potential bullying situations. State bullying laws in two out of the four states studied set expectations for professional development, although all schools offered some form of training or review of school policies. These training approaches varied in content and intensity ranging from informal reviews of student codes of conduct to more structured, in-depth professional development activities. The focus of most professional development activities was on differentiating between behaviors that did or did not meet the formal definition of bullying to ensure staff compliance with the law.

Despite opportunities for training in most schools, staff in few schools (i.e., five of 22) believed that newly implemented bullying policies and practices had increased consistency in how personnel respond to bullying incidents. Instead, staff used varied approaches to identify and intervene in actual bullying situations based on what they thought was most appropriate. The most commonly reported intervention strategy involved bringing students together informally in an attempt to resolve bullying conflicts, which researchers have advised may contribute to further victimization of the targeted student (HRSA, 2011). The most common training need identified by staff across school sites involved professional guidance on how to effectively intervene to reinforce behavioral expectations and to mediate harm to bullying targets. School personnel also expressed a need for follow-up training to review and reinforce knowledge and skills gained through initial training sessions (e.g., knowledge of bullying policy or how to identify bullying behavior).

Three of four study states had language in their bullying law or state model policy addressing the need to implement prevention strategies or practices. One of the three states required implementation of prevention programs, while the other two state bullying laws communicated broader expectations to address conditions for learning or school climate. Almost all districts and schools implemented bullying education and awareness-raising activities, usually implemented as a one-time events. Schools also implemented classroom-based prevention curricula and youth leadership and peer mediation activities. Six districts were in the process of implementing more comprehensive whole-school interventions addressing behavioral supports and school wide bullying prevention. School personnel saw this type of programming as having the greatest potential for

improving bullying behavior. However, these programs were also seen as particularly challenged by inadequate training, lack of fidelity in implementation, and inadequate resources. Prevention approaches, including awareness raising activities and whole-school prevention strategies, were typically funded through one-time sources or were reliant on cost off-sets from other funding programs. District and school administrators perceived resource availability as a continuing challenge to effectively implementing prevention activities.

However, experts on bullying prevention stress the importance of providing psychological supports for targets of bullying behavior and addressing factors that place students at risk for repeated bullying exposure (Sherer & Nickerson, 2010). The two states with more expansive legislation communicated legal expectations for schools to safeguard targeted students and respond to their mental health and social support needs. In practice, school capacity to fulfill these legal expectations was constrained by staff resources. School and district administrators frequently reported that the mental health needs of targeted students could not be met due to the absence of qualified clinical counseling or support services staff. For many schools, this translated into mental health supports that were relatively unstructured, and limited to informal monitoring of students by school counselors or other concerned school personnel.

VI. Challenges and Supports for School Policy Implementation

Changes to state legislation across states introduced a range of new expectations for schools to combat bullying in their local school systems. School personnel perceived that new efforts to prevent and respond to bullying incidents were an important priority for their schools, however, there were several challenges that emerged as districts and schools moved to implement these new policies and practices.

Key findings

- The most commonly identified challenges for school and district personnel in the study included identifying bullying behavior and distinguishing bullying from other student conflict, working effectively with parents, responding to issues of cyberbullying, managing time and resource burden, and dealing with school liability and legal issues.
- The most notable school supports that facilitated implementation of school bullying policies in study schools included strong school leadership, school structures that foster communication and relationship-building, the presence of trained school counselors or other student support services staff, the use of designated staff who are responsible for bullying implementation and compliances, and the adoption of administrative procedures or regulations to translate policies into actionable steps.

This chapter summarizes respondent perceptions of the greatest challenges to fulfilling legislative or policy expectations and the most useful supports for implementation. The following questions will be addressed in this chapter.

- What did school and district respondents perceive as being the greatest challenges to implementing state legislative requirements?
- What did respondents perceive to be the most important supports to implementation of their state's bullying laws and policies that are provided by the bullying laws and policies themselves?
- What were the perceived costs to local school systems to implement bullying policies and programs?

What were the challenges, supports, and costs associated with school policy implementation?

The challenges to implementation of bullying laws varied somewhat across state context and school setting, although there were also a number of more universal challenges identified. These challenges reflected the specific roles and responsibilities of district and school administrators, and teachers and other support staff that were tied to legal expectations.

District administrators

The role of district administrators focused on supporting and facilitating school implementation and ensuring school and district accountability to the law. Although district administrators were removed from the day-to-day challenges of identifying, reporting, and investigating bullying incidents, administrators were often called upon to intervene in the most serious or complicated violations of policy. This included responses to parent complaints or to claims made against schools for mishandling reported incidents, including incidents involving off-campus conduct where the school's jurisdiction was unclear. School administrators, who were the primary staff responsible for investigating alleged incidents at the school building level, expressed concerns about the inadequacy of consequences for bullying behavior and the need for alternatives to suspension and expulsion. These challenges are discussed in more detail below.

Concerns about school liability

Schools are responsible for providing students with adequate supervision and for ensuring the overall safety of the school environment. When children are persistently bullied at school, local school boards and school personnel may be held liable for failing to protect them from foreseeable risks and may be subject to civil claims under state law or federal law (Hutton & Bailey, 2007). These are often brought as claims of action alleging negligence under state civil laws, or as harassment claims under federal civil rights laws protecting classes of individuals discriminated against on the basis of race, national origin, sex, or disability (Sacks & Salem, 2009.) The National School Boards Association (NSBA) has noted a recent rise in school litigation attributable to increased parental awareness, more stringent standards and legal expectations for schools, and growth in the of number of legal experts specializing in bullying and harassment cases (DiBlasio, 2011). The NSBA also argues that expanding the school nexus to include conduct that originates off-campus has further broadened the potential for school liability (Negron, 2011).

District administrators in the study identified liability concerns as a major challenge to implementing school bullying policies and procedures, particularly in school districts that administrators identified as highly litigious. Two of eleven district administrators identified serious concerns over legal liability related to cases of bullying, whereas other administrators expressed less concern, although had also not experienced problems with litigation. One of these two districts was in the state with the most prescriptive state bullying law, which included timelines for reporting and investigations and expectations for prevention and training program implementation. Teachers and other school personnel reported routinely over-identifying potential bullying incidents to avoid legal ramifications. This took place in an environment where every reported incident triggered an extensive reporting and investigation procedure associated with significant administrative burden. By contrast, in the second district located in the least prescriptive state, district administrators cautioned teachers against using the term bullying in discussing student behavior with other faculty or parents to avoid liability; this created reluctance among staff to label behavior as bullying, producing the potential for under-identification. Although legal recourse represents an important mechanism for promoting school accountability and safeguarding the rights of targeted students, the threat of litigation may also have the unintended consequences of impacting school personnel decisions about what gets reported and investigated, diverting discretionary resources from educating students, and influencing the amount of transparency in responding to potential bullying situations.

Communicating with parents about bullying issues

Schools often encourage parents to notify them about bullying concerns and to work collectively to resolve complaints; however, researchers suggest that parents are often unaware of how to

communicate their concerns about bullying or how to support bullying prevention efforts (Waasdorp, Bradshaw, & Duong, 2011). District and school administrators in the study each reported challenges engaging and working with parents to address student behavior, often related to parents' unclear understanding of bullying definitions or lack of agreement regarding use of disciplinary consequences. District and school administrators identified difficulties communicating with parents on bullying-related concerns as challenges to school policy implementation. School administrators often noted that although increased public attention had raised awareness of bullying as a school issue, parents often lacked understanding of how bullying was defined and the types of student interactions that would warrant a formalized school response. One district administrator perceived that parents were attuned to the increased focus on school bullying and to school concerns about liability, and used the term bullying purposefully to gain more immediate attention to their concerns. Administrators also occasionally encountered parents who were unwilling to accept the seriousness of bullying claims alleged against their child. Schools where parents were disengaged from the learning community also expressed challenges actively engaging support from parents to help enforce behavioral expectations.

Identifying and investigating cyberbullying incidents

Another major challenge reported by both district and school administrators involved the issue of cyberbullying. School personnel in all districts and school sites reported at least some past experience with cyberbullying, although school personnel perceptions varied widely regarding the seriousness of the concern and the amount of disruption they felt cyberbullying caused to the school environment. Schools also had different guidelines regarding their legal authority to respond to cyberbullying acts. Although seven district policies contain explicit or implied assurances that schools have jurisdiction over off-campus conduct if it substantially affects the school environment, school administrators reported a lack of clear guidance on how to make these determinations. Usually decisions about how to respond were made on a case-by-case basis, often in consultation with district legal staff.

Interview respondents also communicated a number of issues related to reporting and investigating cyberbullying behavior. First, school administrators noted that cyberbullying cases typically involved a series of exchanges among students that made it very difficult to determine which student was bullying and which student was targeted. Students also frequently shared online passwords so that the source of an electronic communication was not always clear. District and school administrators found that students were often unwilling to cooperate with an investigation brought forward by a parent over fears that it would reveal their own role in the conflict, or that parents would restrict internet access if they became aware of bullying conflicts. School administrators also experienced challenges obtaining information from the internet or social networking sites to substantiate bullying claims due to district firewalls that restricted access. Schools often relied on law enforcement to assist in responding to cyberbullying incidents and to overcome limits to school jurisdiction.

Teachers, counselors, and educational support staff

Teachers, school counselors, and other educational support staff were the closest monitors of student interactions and most frequently identified challenges tied to intervening in bullying situations and reporting incidents to the school administration.

Distinguishing between bullying and other forms of student conflict

The most common challenge that staff in these roles encountered involved the difficulty distinguishing between bullying and other forms of verbal and social aggression based on definitions

in school policies. The accurate identification of suspected incidents was essential to the response process because it triggered a formal report and investigation that enabled schools to substantiate bullying incidents and to take action to eliminate the behavior, protect victims, and avoid liability for schools. This identification process was difficult due to practical challenges applying policy definitions because of the ability of aggressors to conceal their behavior, the reluctance among target students to report the victimization, and the difficulty for staff to interpret complex social interactions among students.

School policies that mandated staff reporting and threatened disciplinary action for failing to comply with reporting expectations intensified the pressure on staff to identify incidents accurately. These mandatory reporting requirements, which were designed to encourage reporting and increase accountability, had unintended consequences, particularly in districts in states that required more extensive reporting and investigation procedures. More specifically, the threat of sanctions created pressure for staff to over-identify suspected incidents to avoid possible non-compliance, which resulted in excess time and resource burden for administrators or designees to substantiate bullying allegations. Unclear understanding of what constitutes bullying behavior also contributed to over-reporting by both students and their families.

What were the supports associated with school policy implementation?

School administrators and teachers also identified school-based practices or characteristics of their schools environments that facilitated policy implementation. These supports included strong school leadership, effective communication, a sense of collaboration among school and district staff, and school structures that helped cultivate relationships among faculty and students and that encouraged information-sharing and problem-solving to achieve resolution of incidents. These are also factors often associated with measurement of positive school climate and safe and supportive learning environments. Staff also cited the value of having well-trained school counseling and student support staff who could support reporting and investigation processes, promote effective use of behavioral interventions for aggressive students, and provide safeguards and mental health to students who were targeted.

Designated staffing infrastructure to support bullying policy implementation

School and district administrators in the study perceived value in having staff that were responsible for bullying issues. The bullying laws in two study states required districts to designate school and district personnel to support implementation of bullying policies and procedures and ensure compliance with legislative expectations. The most expansive state bullying law also required each school to form a collaborative school safety team that was responsible for identifying needs related to school bullying issues and guiding implementation of bullying prevention efforts. The presence of designated staff responsible for implementing policies and practices provided a strong mechanisms for ensuring school and district accountability.

School and district administrators and school personnel assigned to compliance roles did report challenges balancing new expectations with existing roles. These challenges were most pronounced in the four schools and two districts that assigned school counselors to serve as school-based bullying specialists. This created excess workload for counselors who were already feeling overburdened in counseling roles. Counselors in one school also reported that due their role investigating and assigning consequences, students were less likely to confide in them.

Strong and supportive school leadership

School leadership impacts school climate and is a key determinant of an effective learning environment (Kelley, Thornton, and Daugherty, 2005). School personnel in schools that site visitors rated as experiencing fewer challenges to implementation identified strong school leadership and supportive relationships between the school administration and school staff. School personnel who were confident in their school's capacity to identify and respond to bullying issues also were more likely to characterize their school as having a strong central administration. In these schools, teachers reported open communication between the administration and a shared understanding of school policy concerning bullying and other student behavioral issues. Leadership was typically seen as collegial and supportive. Because much of school bullying procedure relied on informal communications between staff members, information-sharing about students, and trust among school colleagues (e.g., teachers must feel comfortable reporting incidents without concern that it will reflect poorly on their classroom management skills), positive relationships between staff and school leaders were essential to implementation. Accordingly, school personnel who supported and had confidence in their school officials were also more likely to express confidence that reported bullying incidents would be appropriately handled. One district administrator also emphasized the importance of strong school leadership for sustaining bullying prevention efforts.

“You can go out and buy all the prevention programs in the world, but without a strong administrator it isn’t going to make any difference.”

—District administrator, suburban district

School structures supporting collaboration and communication

School structures that supported collaboration and communication, such as small learning communities, were important for identifying and reporting bullying behaviors and safeguarding targeted students. Research suggests that these smaller learning environments may make students more visible; improve student-teacher relationships; and create opportunities for teachers to build relationships with other faculty members, more easily share information about their students, and collaborate to resolve problems (Cistone and Shneyderman, 2004). Schools selected into the study used different organizational structures, including home rooms, advisories classes, or “houses” and looping or assigning teachers to student cohorts, to create small learning environments. School personnel in nine middle schools discussed the importance of these school structures for identifying students at risk for bullying involvement and evaluating bullying incidents. For example, staff reported that sharing information about their students allowed them to identify patterns of repeated behavior that would meet criteria for bullying behavior. These structures also allowed teachers to better safeguard students throughout the school day by bringing potential issues to the attention of other school staff. School personnel in one district that had recently moved away from the house model to a more traditional middle school structure perceived an increase in the incidence of bullying and reduced quality of school climate.

The role of school counselors

Research concerning the impact of school counseling programs on student behavior shows that school counselors can positively impact bullying behaviors, modify school climate, and reduce victimization by supporting students who have been targeted (Hanish & Guerra, 2000). Studies also show that students in middle schools with comprehensive counseling programs reported feeling safer at school, having better relationships with their teachers, and experiencing fewer physical or interpersonal conflicts with their peers (Lapan, et. al., 2001).

School counselors played an integral role in how schools responded to bullying issues across schools. School counselors in schools in this study were integral to school responses to bullying behavior. Interview respondents identified a number of critical roles played by school counselors, including co-developing training materials, implementing prevention curricula, intervening with students involved in bullying following reports of bullying behavior, conducting or supporting investigations to verify alleged bullying incidents, and providing emotional support to students who were targeted. Schools with more comprehensive school counseling and student support resources reported better capacity to actively monitor the well-being of targeted students and to provide supportive interventions for both targeted students and students who bully. School sites with fewer or more overburdened counselors or with more limited community-based resources reported greater challenges providing or linking targeted students with mental health supports.

Regulations to translate board policy guidelines into concrete actions

District administrators perceived value in having detailed regulations to help translate broad policy guidelines into actionable procedures. Five districts in the study supplemented district policies with more detailed administrative regulations or procedures to help translate school policies into practice. One district administrator noted that typical school board policies offer general statements about what is required under the policy, but lack specificity concerning how schools should achieve policy goals. A second district administrator discussed the value of having the more concrete procedures to guide implementation of the new policy.

What were the perceived costs associated with school policy implementation?

Cost can be a significant challenge to program implementation. At the time of this study, none of the states appropriated funding to directly support state or local implementation of the bullying law. While this implementation study did not include a detailed fiscal assessment of bullying law implementation, respondents were asked for their perceptions of the cost of implementing state and district bullying policy, and the degree to which they perceived costs to be a challenge to implementation.

State and district perspectives

SEA and district representatives more frequently identified cost as a barrier to implementation than school-level respondents. Their comments reflected a broader policy and cost perspective that focused on issues such as the tradeoff between expectations concerning academic accomplishment and the resources required to carry out mandated activities under the bullying legislation. From the perspective of district representatives, districts carry the primary responsibility for translating state policy to the schools, and they are conscious of these competing expectations with limited resources. Most district respondents agreed that new expectations associated with bullying laws are often unfunded and under-resourced. Most agreed that increased attention to bullying, while appropriate and needed, competes with other areas, including academic priorities.

“School personnel are assigned district anti-bullying coordinator roles and schools must provide them a small stipend, but the real cost is what it takes away from other duties. There are no funds provided for the training and no support for the ongoing professional development. It’s not just an indirect cost burden—it also has an effect on education. If you take it out of that fiscal realm, kids are not getting served because their resources are getting diverted to other things.”

—SEA Representative

School administrator perspectives

School administrators in states with less expansive bullying laws and fewer legal requirements to implement new programs and procedures perceived fewer cost challenges than school and districts in states with more expansive state bullying laws. School administrators shared similar perspectives on the components of law that represented the most serious cost challenges, which included both direct and indirect cost of implementation. Direct costs to schools included costs associated with training and prevention program implementation, such as costs to purchase student incentives and fees for assemblies and outside presenters, and minor costs associated with printing communication materials. School administrators did not consider direct cost to be major impediment to implementation at the time of the study, although one administrator noted that constraints on school funding had restricted the options for implementation prevention curricula.

“Legislators tend to send very conflicting messages to schools. There is such a strong emphasis on accountability with regard to academic achievement, but also an expectation that schools fulfill what were once considered parenting roles. There’s an expectation that we address all of the social ills of the community. They want us to be all, do all, but at the same time hold us accountable for the academic achievement piece, and then they provide little resources and guidance in those other areas. That gets to be a real challenge.”

—District administrator, suburban district

School administrators cited larger impacts on the school resource environment related to the indirect costs of implementation, namely, the amount of time school personnel spent implementing different policy components. Interview respondents identified a range of time demands on school personnel, including the reallocation of school staff to anti-bullying roles, time dedicated to the investigation of incidents, time associated with training staff on bullying prevention or school climate improvement programs, and time required to effectively implement prevention programs. School respondents noted that indirect costs of implementing school bullying procedures competed with other resource needs related to student instruction. However, respondents presented this largely as an observation about resource constraints and pressure from policy-makers to meet competing objectives without adequate resources. With few exceptions, school personnel recognized the importance of school bullying policies and acknowledged the benefits for students and the larger school environment. The presence of competing priorities did not imply that school bullying efforts were less important or should be curtailed.

Chapter summary

The recent changes to legislation in each of the four study states imposed new requirements for local school systems to introduce or redesign school policies and procedures that address bullying problems on their campuses. Site visitors asked district and school personnel charged with implementing these new legal expectations to share their perspectives on the challenges they encountered through the implementation process and to identify factors in the school environment that had supported their implementation efforts.

Most challenges that districts and schools identified were universal across state and local contexts, whereas others were tied to expectations in legislation and their associated burden. Specific challenges included working effectively with parents, responding to issues of cyberbullying, managing time and resource burden, and dealing with school liability and legal issues. Schools in

states with more expansive legislation and greater legal expectations placed on schools perceived more substantial challenges to implementation and greater time and cost burden than states with fewer legal requirements.

School personnel also identified school practices and assets that supported implementation. These supports included strong school leadership, open communication and collaboration among school staff, the availability of trusted and qualified school counseling and student support services staff, and school policy guidelines that specified concrete action. School personnel perceived that the resource burden associated with implementation of school bullying policies and procedures was primarily associated with the indirect costs of prioritizing bullying prevention and response efforts over other competing school resource needs.

VII. Conclusion

School bullying remains a highly visible and potentially challenging issue for elementary and secondary school systems and an important school policy issue for educators and state lawmakers. Since 1999, when the state of Georgia passed the first state bullying law, state legislatures have pushed to establish new legal expectations for schools to address school bullying and harassment. As of May 2012, 49 of the 50 states had enacted statutes within their education and criminal codes requiring schools to adopt and implement policies and procedures that aim to prevent and reduce bullying on their school campuses. The first *Analysis of State Bullying Laws and Policies* report demonstrated that states approaches to legislation represented very different school policy perspectives and created widely varied expectations across states for how local districts must respond to bullying in their schools.

The second phase of the *Analysis of State Bullying Laws and Policies* study documented how schools implemented new legal requirements from the perspective of school administrators, teachers, and other school personnel who were on the front line implementing these new expectations. Interviews captured the perceptions of school personnel in 11 districts and 22 public middle schools across four distinct policy environments. These school personnel responses offered a broad range of perspectives on the occurrence and seriousness of bullying in their local schools, the process of implementing school policies, procedures and preventive programs, and the inherent challenges or perceived supports that either constrained or facilitated implementation of the bullying law.

Overall, this report provided a perspective on bullying laws and policies from the viewpoint of the school communities that are charged with putting these laws and policies into day-to-day practice. The observations and experiences of study respondents demonstrate a dedicated effort to incorporate these bullying laws and policies into middle school communities with understanding and care for the well-being of students. The study middle schools were all actively addressing bullying on their campuses. School personnel in nearly all schools credited the enactment of these new or amended state bullying laws with raising awareness of the bullying issue and heightening expectations for how schools must respond.

The emphasis of most state bullying laws on how schools address bullying once it occurs has channeled significant resources into the development of school procedures that uncover the most serious, persistent, and potentially damaging forms of bullying aggression. Accordingly, respondents in half of all schools selected for the study agree that their capacities to detect and resolve these types of incidents had been strengthened by these requirements. However, the way that bullying is defined in legislation and school policy and the process of substantiating bullying incidents resulted in the identification of relatively few substantiated bullying cases in most schools, despite the fact that school personnel report responding to acts of bullying on a weekly or daily basis. This highlights a gap between what state legislation and school policies define as bullying and what school personnel confront on a daily basis in the form of hurtful and aggressive interactions among students. This finding also points to the importance of the more school-wide policy elements of prevention, training, and student support that are featured less prominently in state bullying legislation, but that have the potential to address broader forms of aggression and the conditions within school environments that contribute to youth bullying involvement.

Needs for further knowledge

State legislation addressing bullying in schools is a relatively new and expanding area of educational policy and practice. While this study makes an important contribution to understanding how a small number of districts and schools were implementing school policies and procedures in compliance with their state bullying laws, the study is exploratory and descriptive in nature, and could not provide evidence for determining whether policy differences caused changes in bullying behavior in schools or whether differential implementation impacted the policy effectiveness. These are areas in which further research and evaluation is necessary.

This study also identified important questions that could benefit from research to better understand how school bullying policy may be improved. One of the major themes emerging from the study is that state bullying laws and school policies defined a relatively narrow range of aggressive behavior in schools that were prohibited under the law. Although school personnel reported responding to less serious or persistent forms of physical, verbal, and social aggression on a frequent basis and considered these hurtful interactions to be endemic in the middle school setting, these interactions were largely neglected in formal procedures. Research on this continuum of behaviors can inform best practices for how to prevent and remediate these behavioral challenges and can help schools design practical and feasible school policies and practices that address the full range of problem behaviors.

State bullying laws and policies also differed significantly in the degree to which they prescribed procedures, decision discretion, and decision criteria to report, investigate, and substantiate incidents of bullying. School personnel responses uncovered differing benefits and challenges within these different legal frameworks. An important area for further study is to improve knowledge of these trade-offs, and to identify ways in which benefits may be optimized and challenges reduced.

Finally, the study has demonstrated that even in highly prescriptive policy environments, the commitment and training of individual school personnel was critical to implementation. For example, ground-level responders shared the perception that immediate intervention was important to reducing bullying and other hurtful behavior in the school. However, in the study sites there was little shared understanding of how to do this, and approaches to intervention differed significantly. This finding demonstrates the need for further research on best practices for training and professional development to more adequately support staff who are responsible for implementing the new legislative requirements that are intended to benefit students and their schools.

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Appendix A: Detailed Discussion of Study Methods



Appendix A

Detailed Discussion of Study Methods

Study Questions

The following discussion provides more detailed discussion of the study methods supporting the *Analysis of State Bullying Laws and Policies* school data collection component, describing the the state, district, and school selection process, the recruitment of districts and middle schools, field coordination, data collection instruments, and analysis approach.

Sample Selection

The original sampling design called for the selection of four states, three school districts and six middle school sites from each state (i.e., two middle schools selected from each district), for a total sample of 12 districts and 24 school sites.

State Selection

The study team used a purposive sampling strategy to select the four states for inclusion in the study sample. The strategy identified states that represent the regional diversity of the U.S. (i.e., West, South, Midwest, and East) and the diversity of state legislative environments with respect to their overall expansiveness. Findings from the first *Analysis of State Bullying Laws and Policies* report, which profiled the structure and content of bullying legislation, guided the state selection. Specifically, states were chosen to represent variation in the expansiveness of state bullying laws (i.e., the number of key components that schools must address under the law) current through May 2012. This purposive sampling strategy was used to explore the relationship between the content of state laws and the approaches used by schools and districts to create and implement school policies and procedures at the local level.

District and School Site Selection

The study team selected districts to represent urban, suburban, and town or rural contexts. Because the sampling strategy called for visits to two middle schools within each district, the team excluded districts with fewer than two middle school sites from the sampling frame. For each state, the team randomly selected one urban district, one suburban district, and one town or rural district. All remaining school districts in each stratum were then randomly ordered, so that if the selected district declined to participate in the study, it would be replaced with the next district listed within the same stratum. Within a selected district, the team randomly selected two middle schools and all remaining school sites were randomly ordered to allow for replacement. In the event that one of the two schools in a district with only two middle school sites declined to participate, the district would be automatically replaced.

School and District Recruitment

Following notification of OMB approval, the study team contacted the Chief Education Officer from each state to obtain approval for the study and to establish contact with a state education agency (SEA) representative to participate in the interview process and to support district recruitment as needed. The study team asked each SEA representative to provide a letter of support and endorsement of the study to highlight the study's importance and encourage district and school participation.

To recruit districts and school sites into the study, the team sent an informational packet to the Superintendent of Schools in each district and contacted the Superintendent by phone to confirm receipt of materials, to answer additional questions, and to secure study participation. Once a school district agreed to participate in the study, the study team sent informational packets to each middle school and contacted Principals by phone to recruit schools into the study. The team distributed district and school site recruitment packets on a rolling basis (i.e., replacement districts and school sites were mailed recruitment materials once a selected district had declined) beginning in January of 2012 and continuing through April of 2012 when the final school district and school sites were recruited into the sample.

Throughout the recruitment process, team members encountered significant challenges recruiting school districts and school sites into the bullying study. More than half of the school districts comprising the final sample (i.e., 6 of 11) were replacements for districts that declined to participate. In all, 14 districts invited into the study chose not to join for a variety of reasons. Although the specific reasons given varied, most districts communicated that schools and school personnel were already substantially overburdened and were reluctant to impose additional responsibilities on school personnel. Eight of the 14 districts expressed disinterest in participating in a research study for this reason. Two districts cited other disruptions to the school year, such as a district rezoning process and weather-related school closures, which impacted their ability to join the study effort. One district agreed to accept and review a research proposal, but was replaced when the review timeline (i.e., 45-days) extended beyond the planned window for the study. One district was unresponsive to telephone and e-mail contacts and was replaced after a month of recruitment effort. In two states, SEA representatives were instrumental in supporting the recruitment of districts. In addition to recruitment challenges at the district level, the team also encountered challenges recruiting schools sites within districts that had already approved the study. A total of four schools in cleared districts were unwilling to participate, and were ultimately replaced with other school sites.

The team encountered its most significant recruitment challenges recruiting rural districts, which accounted for 8 of the 14 district refusals. Recruitment challenges were also more pronounced in one state where the recent debate over bullying legislation has been highly visible and more politicized than in other areas of the country. For example, a fourth replacement district from the rural strata in the state was dropped from the sample when the team was unable to obtain cooperation from any of its schools. The final study sample included 11 districts and 22 school sites representing mix of medium and large size districts that were diverse with regard to the socio-economic characteristics and race/ethnic and language composition of the enrolled population.

Field Coordination

Scheduling and Coordination

Once the participation of a district and each of its middle school sites was confirmed, the EMT Field Coordinator proceeded with site visit scheduling and logistical coordination. Site visits were scheduled according to the preferences of participating schools to the extent feasible. Each visit consisted of interviews with the Principal, Vice-Principal, a school counselor or school psychologist, teachers, including at least one physical education teacher and one special education teacher, school resource officers (SROs) or other security personnel, yard supervisors, and bus drivers. For personnel categories with more than one potential respondent (e.g., teachers, counselors, yard supervisors), the team randomly selected interviewees from a list of school staff organized by job designation that each school site contact provided. The team randomly ordered unselected staff members for replacement in the event that selected respondents refused to participate or were not in

attendance on the day of the visit. Once respondents were selected, the school site contact at each school was responsible for scheduling interview times at staff's convenience over the 2-day site visit period.

All members of the site visit teams attended an intensive two-day training session to prepare for visits. This training summarized the findings of the first study phase which produced an analysis of the growth and current content of state legislation and bullying policy, and of bullying policy in 20 large school districts nationwide; ensured understanding of study objectives and design; thoroughly familiarized team members with site visit procedures, data collection tools, and procedures for completing the school site summary protocols; and clearly explained their roles and responsibilities as members of a site visit team.

Training

In preparation for the visit, each school site contact received a list of background materials to be compiled for review and analysis by study team members. These included any written district or school site policies pertaining to bullying or harassment, student codes of conduct, parent handbooks, incident reporting forms, prevention or training materials, and guidelines for reporting to law enforcement. Site visits teams requested that schools provided any additional bullying-related materials referenced during interviews while on site. In the weeks preceding each site visit, the study coordinator conducted a detailed telephone interview with a representative appointed by the School Superintendent within each district. Site visit teams reviewed transcribed interview responses in preparation for each visit.

Site Visit Implementation

Site visitors conducted visits to participating school sites over a four month period from February to May of 2012. Each visit covered a four day time period with two days spent at each of the middle school sites. Two-person teams of trained interviewers conducted each visit. The complete series of visits was completed by 11 EMT site visitors, with most team members deployed for two or three visits. Senior team members each conducted a minimum of two visits. While on site, both site visitors were present for most one-on-one interviews with school administrators, whereas interviews with teachers, student support staff, yard supervisors, and transportation personnel were occasionally conducted one-on-one as needed to allow for overlap in school personnel scheduling.

In all, EMT site visitors interviewed a total of 281 school personnel across the 22 school sites. These included 49 school administrators (Principals, Vice-Principals, and Deans of Students), 30 student support personnel, including school counselors, psychologists, intervention coordinators, and bullying specialists, 134 classroom teachers and physical education instructors, 3 teacher's aides, 41 School Resource Officers (SROs) or other security personnel, and 24 transportation personnel or bus drivers. Site visitors recorded interviews at the discretion of each interview respondent.

Data Collection Instruments

To insure systematic and comprehensive information on critical issues concerning implementation of anti-bullying legislation and policy under differing local conditions, and to insure comparable information across 22 diverse middle schools, the evaluation team developed carefully structured data collection and summarization tools. These included a) brief surveys, b) interview guides, and a site visit summary protocol (discussed below).

Brief Surveys

At the beginning of each on-site interview at sample schools, interviewees completed a brief closed ended survey containing 17 items measuring how frequently they respond to bullying incidents at school (including cyberbullying), their perceptions concerning the degree to which bullying is disruptive in their school (the final question was not asked of transportation workers or yard supervisors), and perceptions concerning how commonly students were bullied based on specific personal characteristics. There are too few respondents in each school, and too many purposive elements, to make survey results representative of all relevant personnel in each school.

Interview Guides

The study team developed interview guides with careful review and collaboration with the U.S. Department of Education. These interview guides and process had several distinguishing features.

- The guides are structured to cover state law and policy features that earlier analysis in this project⁵ found to be important in describing the ways and degree to which states meet key elements of anti-bullying legislation. Each guide is organized into sections including specific questions relevant to the respondent being interviewed. To insure relevance of questions to the different groups of respondents interviewed in each district and school, separate interview guides were developed for a) a representative of the state education agency in each selected state who was knowledgeable concerning the state legislation and development of agency policy guidance concerning bullying, b) a representative of selected districts who has central responsibilities for and knowledge of district bullying policy and activities, and c) each of the distinct respondent roles and positions interviewed for each school site. Each guide included specific questions and probes that systematically answered major questions concerning awareness, influence, and implementation of key bullying law and policy components; questions that provided guidance to areas in which more detailed responses were appropriate; and probes to guide follow up issues when needed.
- Each guide also provides space for narrative description, explanations of responses, and interviewer notes and insights concerning notable interview responses. In summary, the interview process was carefully structured to provide systematic and comparable information across sites to answer agreed-on study questions.

Analysis Approach

School interview responses provide a broad range of perspectives on the occurrence and seriousness of bullying in schools, and on the implementation of law, policy and programs to address bullying. These interviews document perceptions and experiences of individual respondents that together with other sources of information on schools (e.g., student body composition, community environment, additional programmatic initiatives in the schools, school resources, related policies such as disciplinary policies, state and district bullying policy) provide answers to study questions at the school level. The implementation of bullying policy at the school level, and the factors that influence it, is the primary information focus of this study.

⁵ U.S. Department of Education, Office of Planning, Evaluation and Policy Development, Policy and Program Studies Service, *Analysis of State Bullying Laws and Policies*, Washington, D.C. 2011.

Our site visit study method uses School Site Summary Protocols to aggregate the multiple interviews results, and other data about schools, into a single source of systematically organized and comparable information that characterizes each school as a whole. To make these data as accurate as possible, site visit teams complete these summary protocols as soon after leaving the site visit as possible. Team members work together to complete the protocols using their experience on site, and interview responses, as the primary information base. The protocols are organized according to seventeen information areas. In each of these areas, team members complete closed-ended rating questions about the degree to which the subject school experiences bullying, how policy addresses it, and how that policy is implemented. The protocol also has explicit questions and guides to describing and explaining these ratings, and providing rich documentation of the site visit information.

These School Summary Protocols document a school-level analysis and summary of each school, and they provide the most important data base for the analyses and description in this report. Interviews and documents provide background, elaboration, and validation of the conclusions drawn from the School Summary Protocols.

The procedure and its resulting information provides a strong basis for establishing similarities and differences in policy implementation, the perceived usefulness in different policy and support strategies, and the perceived challenges of implementing in these different environments

Appendix B:
2010–11 School Enrollment Characteristics
of Sampled Study Site

Exhibit B.1. 2010–11 school enrollment characteristics of study sample sites—States A and B

	State A				State B					
	District 1		District 2		District 3		District 4		District 5	
	Site 1	Site 2	Site 1	Site 2	Site 1	Site 2	Site 1	Site 2	Site 1	Site 2
Total School Enrollment ¹	Medium-Small	Medium-Small	Medium-Large	Medium-Small	Medium-Large	Medium-Large	Very Large	Very Large	Very Large	Very Large
Grade Span	6–8	6–8	6–8	6–8	6–8	6–8	7–9	7–9	6–8	6–8
Race/Ethnicity										
White	≤10%	≤10%	≤10%	≤10%	25–50%	25–50%	50–75%	50–75%	≤10%	≤10%
Hispanic/Latino	75–90%	50–75%	≤10%	≤10%	10–25%	≤10%	≤10%	10–25%	75–90%	75–90%
African-American	10–25%	25–50%	≥90%	≥90%	10–25%	25–50%	≤10%	≤10%	≤10%	≤10%
Asian	≤10%	≤10%	≤10%	≤10%	≤10%	≤10%	10–25%	10–25%	≤10%	≤10%
Free/Reduced Lunch	≥75%	≥75%	≥75%	50–75%	50–75%	50–75%	≤35%	≤35%	≥75%	≥75%
Limited English Proficient	10–25%	10–25%	10–25%	10–25%	≤10%	≤10%	≤10%	≤10%	10–25%	10–25%
Special Education	10–25%	10–25%	25–50%	25–50%	10–25%	10–25%	10–25%	10–25%	≤10%	≤10%

Source: National Center for Education Statistics - <http://nces.ed.gov/ccd/elsi/>, 2010–11

¹ School Enrollment ranges are defined as follows: very small: 200 or fewer students; medium-small: 201 to 400 students; medium-large: 401 to 600 students; and, very Large: 601 or more students.

Exhibit B.2. 2010–11 school enrollment characteristics of study sample sites—States C and D

	State C						State D					
	District 6		District 7		District 8		District 9		District 10		District 11	
	Site 1	Site 2	Site 1	Site 2	Site 1	Site 2	Site 1	Site 2	Site 1	Site 2	Site 1	Site 2
Total School Enrollment ¹	Medium-Small	Medium-Small	Medium-Large	Very Large	Very Large	Medium-Large	Medium-Large	Medium-Large	Very Large	Very Large	Very Large	Medium-Large
Grade Span	6–8	6–8	6–8	6–8	7–8	6–8	6–8	6–8	6–8	6–8	6–8	6–8
Race/Ethnicity												
White	≤10%	≤10%	75–90%	75–90%	50–75%	75–90%	25–50%	50–75%	50–75%	75–90%	75–90%	≥90%
Hispanic/Latino	10–25%	≤10%	≤10%	≤10%	≤10%	≤10%	10–25%	10–25%	10–25%	≤10%	≤10%	≤10%
African-American	75–90%	≥90%	≤10%	10–25%	10–25%	10–25%	25–50%	10–25%	10–25%	≤10%	≤10%	≤10%
Asian	≤10%	≤10%	≤10%	≤10%	≤10%	≤10%	≤10%	≤10%	≤10%	≤10%	≤10%	≤10%
Free/Reduced Lunch	≥75%	≥75%	≤35%	≤35%	35–50%	35–50%	35–50%	50–75%	≤35%	35–50%	≤35%	35–50%
Limited English Proficient	..2	..2	..2	..2	..2	..2	50–75%	10–25%	10–25%	≤10%	≤10%	≤10%
Special Education	..2	..2	..2	..2	..2	..2	10–25%	10–25%	≤10%	≤10%	10–25%	10–25%

Source: National Center for Education Statistics - <http://nces.ed.gov/ccd/elsi/>, 2010–11

¹ School Enrollment ranges are defined as follows: very small: 200 or fewer students; medium-small: 201 to 400 students; medium-large: 401 to 600 students; and, very Large: 601 or more students.

² No information on the rates of LEP or Special Education students was available from State C.

Appendix C:
Description of Key Components in State Bullying
Legislation in Study States

Exhibit C. Comparison of key legislative components contained in selected state laws

<i>Key components</i>	<i>State A</i>	<i>State B</i>	<i>State C</i>	<i>State D</i>
<i>Scope</i>	State law prohibits bullying on school property, at any school-sponsored function, on a school bus, or off school grounds that substantially disrupts or interferes with the orderly operation of the school.	State law prohibits bullying in the school community, at school sponsored events, or when such actions create a substantial disruption to the educational process.	State law prohibits bullying on school property, on a school bus, or at any school-sponsored function by any other student in his or her school system.	State law does not address policy scope.
<i>Prohibited behavior</i>	State law defines bullying as a single act or series of incidents motivated by an actual or perceived characteristic that disrupts or interferes with the orderly operation of the school or rights of students.	State law defines harassment, intimidation, and bullying as an intentional electronic, written, verbal, or physical act that physically harms a student or damages property, interferes with a student's education, creates a threatening educational environment, or disrupts the orderly operation of the school.	State law defines harassment as a pattern of behavior motivated by characteristics that place student in fear of harm, or disrupts the operation of the school.	State law does not define prohibited behavior.
<i>Enumerated groups</i>	State law prohibits conduct that is reasonably perceived as being motivated either by any actual or perceived characteristic and lists characteristics.	State law prohibits bullying acts that are motivated by race, color, religion, ancestry, national origin, gender, sexual orientation, including gender expression or identity, mental or physical disability or other characteristics.	State law minimally prohibits conduct motivated by any characteristic of a student, or by association based on race, sex, religion, national origin, or disability. School districts have discretion to expand lists of protected classes.	No enumeration of groups.
<i>School policy definitions</i>	School districts must adopt the definition of bullying outlined in state law.	School districts must adopt the definition of bullying outlined in state law.	SEA model policy definition must conform to definition of bullying outlined in state law and districts must adopt policies consistent with the state model.	No specific requirements for how bullying should be defined.
<i>Reporting expectations</i>	School personnel must verbally report incidents to a school administrator or designee on the same day the incident occurred and must report in writing within two days.	Staff must intervene when witnessing or receiving reports of harassment, intimidation, or bullying.	Students and parent/guardians are encouraged to report bullying incidents. Districts must provide standard complaint form.	No district requirements for reporting.
<i>Investigations</i>	Principal or designee must initiate an investigation within one day of a verbal report. The investigation must be completed within 10 days. Failure to conduct an investigation of a report may result in disciplinary action.	Districts must investigate all unresolved cases and investigations must follow specific procedural guidelines (e.g., use of safety plans, timelines, steps in the investigation, written reports).	District policies must outline a procedure for the prompt investigation of serious violations and assign responsibility to the principal or designee.	No district requirements for conducting investigations.
<i>Written records</i>	School personnel must report incidents of bullying in writing and results of an investigation must be summarized in a written report.	Districts must provide students with an incident reporting form.	School boards must develop local board approved complaint forms to record reported incidents.	No district requirements for written records.
<i>Consequences</i>	District policies must identify a range of responses that must include counseling and support services. Districts must include harassment, intimidation, and bullying on list of conduct which shall constitute good cause for suspension or expulsion.	School responses to incidents must be designed to remediate impact on the target, change behavior, and restore school climate. Corrective measures may include counseling, education, discipline, or referral to law enforcement.	District policies must include a statement of consequences and appropriate remedial actions.	No district requirements for identifying consequences.

Continued on next page.

Exhibit C. Comparison of key legislative components contained in selected state laws (Continued)

<i>Key components</i>	<i>State A</i>	<i>State B</i>	<i>State C</i>	<i>State D</i>
<i>Mental health</i>	School policies must outline ways that schools will respond to identified incidents, including provision of counseling, support services, interventions, and other programs.	Districts must provide safeguards to targets during an investigation process and must make support services available.	School boards must implement standards and policies for programs to prevent student suicide if funds become available.	No district requirement for mental health supports.
<i>Development of policies</i>	School districts must adopt policies prohibiting harassment, intimidation, and bullying.	School districts must adopt or amend policies by a set date.	School boards must develop policies prohibiting bullying by a set date.	School boards must develop policies prohibiting bullying by a set date.
<i>Review of policy</i>	Districts must annually review bullying policies and must submit revised copies to the executive county school superintendent within 30 days of revision.	Districts must submit revised policies and procedures to the state for review.	No district requirements for state or local review of policy.	No district requirements for state or local review of policy.
<i>Communication</i>	District policy provisions must be included in handbooks and codes of conduct, posted on websites, and discussed with students.	Districts and schools must prominently post information on campus and on websites, and must include summaries of policy in all student, faculty, and parent handbooks annually.	District policies must include procedures for publicizing local board policies.	School boards must distribute copies to all enrolled students and their parents, and to the public upon request.
<i>Training</i>	Districts must implement in-service training for all staff, new employees, and board members. Teaching, administrative, and supervisory certification programs must include a program on HIB prevention. SEA must develop in-service training for anti-bullying coordinators and specialists and develop online tutorial and test on HIB prevention. All public school teaching staff must participate in two hours of suicide prevention instruction.	District must provide training annually on the school district's policy and procedure, including staff roles and responsibilities, how to monitor common area, and the use of the district's incident reporting form.	No district school personnel training requirements.	No district school personnel training requirements.
<i>Prevention</i>	Schools and districts must establish, implement, document and assess approaches to create school-wide conditions to prevent and address harassment, intimidation, and bullying (HIB).	Districts must implement a range of prevention strategies including individual, classroom, school, and district-level approaches.	Districts must develop and implement evidence-based practices and character education programs to prevent bullying and harassment.	No district prevention requirements.
<i>Transparency and monitoring</i>	Districts must report programming (i.e., training and prevention programming) and incident data (i.e., number, nature, status, and resulting discipline) twice annually to local school boards and annually to the state.	No state or local data reporting requirements. Schools report bullying violations resulting in suspension or expulsion under other regulations.	Districts must compile and report statistics on bullying incidents to local school boards.	No state or local data reporting requirements.
<i>Legal remedies</i>	States that the law does not prevent a victim from seeking redress under any other available law either civil or criminal.	States that nothing prevents a victim from taking action to remediate harassment or discrimination.	No provision addressing legal remedies.	No provision addressing legal remedies.

Source: EMT interpretation of provisions in state bullying laws enacted through May 2012 and school district policies.

**Appendix D:
Interview Respondent Perceptions
Regarding Bullying Prevalence on their
School Campus**

Exhibit D.1. School personnel perceptions regarding bullying prevalence on their school campus by school—States A and B

	<i>All study sites</i>	<i>State A</i>				<i>State B</i>					
		<i>District 1</i>		<i>District 2</i>		<i>District 3</i>		<i>District 4</i>		<i>District 5</i>	
		<i>Site 1</i>	<i>Site 2</i>	<i>Site 1</i>	<i>Site 2</i>	<i>Site 1</i>	<i>Site 2</i>	<i>Site 1</i>	<i>Site 2</i>	<i>Site 1</i>	<i>Site 2</i>
Frequency responding to traditional bullying (N)	260	9	9	12	9	11	12	14	13	13	13
Everyday	9%	0%	11%	8%	11%	0%	0%	7%	8%	15%	8%
Three to four times per week	13%	33%	0%	17%	0%	9%	8%	7%	8%	31%	0%
Once or twice per week	28%	22%	11%	17%	11%	36%	50%	36%	54%	15%	39%
Once or twice per month	33%	33%	78%	50%	78%	46%	25%	21%	8%	31%	39%
Once or twice per year	15%	11%	0%	0%	0%	9%	17%	21%	23%	8%	15%
Never	3%	0%	0%	8%	0%	0%	0%	7%	0%	0%	0%
Frequency responding to cyberbullying (N)	258	9	9	12	9	11	12	14	13	13	13
Everyday	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Three to four times per week	2%	0%	0%	0%	0%	0%	0%	7%	0%	0%	0%
Once or twice per week	9%	0%	33%	8%	33%	0%	8%	7%	8%	15%	0%
Once or twice per month	19%	11%	44%	42%	44%	27%	25%	14%	31%	8%	0%
Once or twice per year	33%	22%	0%	17%	0%	18%	25%	36%	31%	39%	46%
Never	37%	67%	56%	33%	56%	56%	42%	36%	31%	39%	54%
Disruption to the school environment (N)	216	9	8	10	8	11	12	11	11	11	11
No disruption	6%	11%	0%	10%	0%	0%	0%	9%	0%	0%	0%
Minor disruption	41%	33%	25%	20%	25%	27%	17%	27%	64%	27%	56%
Some disruption	44%	33%	75%	50%	75%	46%	67%	64%	27%	64%	46%
Substantial disruption	10%	22%	0%	20%	0%	27%	17%	0%	9%	9%	0%
Disruption to the school from cyberbullying (N)	212	9	8	10	8	11	12	11	11	11	9
No disruption	26%	67%	25%	10%	25%	27%	17%	18%	9%	36%	33%
Minor disruption	39%	33%	38%	20%	38%	55%	33%	27%	36%	46%	67%
Some disruption	29%	0%	25%	60%	25%	18%	33%	36%	36%	9%	0%
Substantial disruption	7%	0%	13%	10%	13%	0%	17%	18%	18%	9%	0%

Source: EMT Associates, Inc.

Exhibit D.2. School personnel perceptions regarding bullying prevalence on their school campus by school—States C and D

	State B						State D					
	District 6		District 7		District 8		District 9		District 10		District 11	
	Site 1	Site 2	Site 1	Site 2	Site 1	Site 2	Site 1	Site 2	Site 1	Site 2	Site 1	Site 2
Frequency responding to traditional bullying (N)	11	10	10	13	15	13	12	15	14	11	16	14
Everyday	46%	10%	0%	0%	0%	0%	25%	33%	0%	0%	6%	0%
Three to four times per week	18%	30%	0%	0%	20%	23%	0%	7%	7%	9%	19%	29%
Once or twice per week	27%	10%	0%	23%	13%	23%	50%	40%	36%	18%	25%	21%
Once or twice per month	9%	40%	60%	31%	27%	39%	17%	20%	36%	36%	31%	36%
Once or twice per year	0%	10%	40%	46%	33%	15%	8%	0%	21%	9%	13%	14%
Never	0%	0%	0%	0%	7%	0%	0%	0%	0%	27%	6%	0%
Frequency responding to cyberbullying (N)	11	10	10	13	15	13	12	15	13	12	15	13
Everyday	9%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Three to four times per week	0%	10%	0%	0%	0%	0%	8%	7%	0%	8%	0%	0%
Once or twice per week	18%	30%	90%	0%	13%	15%	0%	7%	8%	8%	0%	8%
Once or twice per month	27%	50%	0%	8%	20%	23%	17%	20%	15%	25%	13%	15%
Once or twice per year	36%	0%	0%	77%	27%	23%	50%	33%	23%	25%	33%	31%
Never	9%	10%	10%	15%	40%	39%	25%	33%	54%	33%	53%	46%
Disruption to the school environment (N)	11	9	9	13	11	8	9	11	9	10	12	10
No disruption	0%	11%	22%	15%	9%	0%	0%	0%	11%	10%	8%	0%
Minor disruption	27%	22%	67%	85%	46%	50%	22%	18%	67%	60%	58%	30%
Some disruption	36%	67%	11%	0%	46%	50%	56%	64%	22%	30%	25%	60%
Substantial disruption	36%	0%	0%	0%	0%	0%	22%	18%	0%	0%	8%	10%
Disruption to the school from cyberbullying (N)	10	9	9	13	11	8	9	11	10	10	10	10
No disruption	0%	11%	44%	46%	46%	13%	22%	9%	40%	0%	30%	30%
Minor disruption	70%	11%	44%	54%	46%	50%	22%	27%	20%	40%	60%	20%
Some disruption	30%	78%	0%	0%	9%	38%	44%	46%	40%	50%	10%	50%
Substantial disruption	0%	0%	11%	0%	0%	0%	11%	18%	0%	10%	0%	0%

Source: EMT Associates, Inc.

**Appendix E:
Interview Respondent Perceptions
Regarding How Commonly Students are
Targeted Based on Personal
Characteristics**

Exhibit E. Respondent perceptions regarding how commonly students are targeted based on personal characteristics: Percentage of personnel indicating that targeting ranges from “very” to “extremely common”

	N	<i>Characteristics of Students Targeted by Bullying*</i>												
		<i>Academic Status</i>	<i>Culture</i>	<i>Dating or Sexual History</i>	<i>Gender Identity or Expression</i>	<i>Gender</i>	<i>Income</i>	<i>Legal Status</i>	<i>Physical Appearance</i>	<i>Disability</i>	<i>Race</i>	<i>Religion</i>	<i>Sexual Orientation</i>	<i>No Clear Motivation</i>
<i>Total</i>	271	8.2%	12.3%	19.0%	19.0%	9.9%	11.7%	4.2%	41.8%	15.2%	10.6%	2.2%	16.4%	17.5%
District 1, Site 1	9	0.0%	22.2%	11.1%	11.1%	11.1%	0.0%	0.0%	33.3%	0.0%	11.1%	0.0%	0.0%	11.1%
District 1, Site 1	10	0.0%	10.0%	30.0%	20.0%	20.0%	0.0%	0.0%	30.0%	10.0%	11.1%	0.0%	10.0%	20.0%
District 2, Site 1	12	0.0%	16.7%	8.3%	0.0%	8.3%	8.3%	8.3%	33.3%	16.7%	25.0%	8.3%	16.7%	41.7%
District 2, Site 2	9	22.2%	33.3%	22.2%	11.1%	22.2%	22.2%	11.1%	77.8%	11.1%	11.1%	11.1%	22.2%	11.1%
District 3, Site 1	13	25.0%	0.0%	8.3%	25.0%	23.1%	8.3%	0.0%	46.2%	23.1%	23.1%	0.0%	15.4%	33.3%
District 3, Site 2	13	0.0%	0.0%	23.1%	15.4%	23.1%	15.4%	0.0%	69.2%	23.1%	16.7%	7.7%	15.4%	23.1%
District 4, Site 1	14	0.0%	21.4%	28.6%	14.3%	42.9%	14.3%	0.0%	35.7%	21.4%	21.4%	0.0%	35.7%	7.7%
District 4, Site 2	13	7.7%	30.8%	23.1%	23.1%	38.5%	23.1%	7.7%	46.2%	30.8%	25.0%	7.7%	46.2%	23.1%
District 5, Site 1	11	0.0%	9.1%	9.1%	0.0%	45.5%	0.0%	0.0%	54.5%	0.0%	9.1%	0.0%	45.5%	9.1%
District 5, Site 2	12	8.3%	8.3%	16.7%	8.3%	25.0%	8.3%	0.0%	41.7%	8.3%	8.3%	0.0%	8.3%	8.3%
District 6, Site 1	11	36.4%	36.4%	45.5%	27.3%	45.5%	40.0%	36.4%	72.7%	45.5%	36.4%	9.1%	36.4%	45.5%
District 6, Site 2	10	0.0%	0.0%	20.0%	10.0%	0.0%	20.0%	10.0%	20.0%	10.0%	0.0%	0.0%	0.0%	20.0%
District 7, Site 1	10	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
District 7, Site 2	13	15.4%	15.4%	0.0%	0.0%	7.7%	0.0%	0.0%	15.4%	15.4%	0.0%	0.0%	8.3%	0.0%
District 8, Site 1	15	13.3%	6.7%	13.3%	7.1%	0.0%	6.7%	0.0%	20.0%	0.0%	0.0%	0.0%	0.0%	0.0%
District 8, Site 2	13	15.4%	15.4%	0.0%	0.0%	7.7%	23.1%	7.7%	53.8%	16.7%	0.0%	7.7%	7.7%	15.4%
District 9, Site 1	12	0.0%	9.1%	36.4%	9.1%	18.2%	18.2%	9.1%	45.5%	8.3%	9.1%	0.0%	18.2%	30.0%
District 9, Site 2	15	21.4%	20.0%	66.7%	26.7%	28.6%	6.7%	6.7%	57.1%	33.3%	0.0%	0.0%	40.0%	40.0%
District 10, Site 1	14	14.3%	30.8%	28.6%	7.1%	21.4%	21.4%	0.0%	50.0%	14.3%	21.4%	0.0%	14.3%	21.4%
District 10, Site 2	13	0.0%	0.0%	15.4%	7.7%	7.7%	0.0%	0.0%	33.3%	7.7%	7.7%	0.0%	7.7%	7.7%
District 11, Site 1	16	0.0%	6.3%	6.7%	0.0%	12.5%	6.3%	0.0%	43.8%	6.3%	6.7%	0.0%	0.0%	13.3%
District 11, Site 2	13	0.0%	0.0%	0.0%	0.0%	15.4%	16.7%	0.0%	38.5%	23.1%	0.0%	0.0%	8.3%	0.0%

* How common is it for students to be bullied based on each of the following characteristics? (Not at all common, Not very common, Somewhat common, Very common, Extremely common)

Source: EMT Associates, Inc.