

BULLYING AND HARASSMENT IN OUR SCHOOLS

STATE LAW: The Texas Education Code, Chapter 37 Section 37.001, requires each independent school district in Texas to have a local policy that prohibits bullying, harassment, and making a hit list and ensures that district employees enforce those prohibitions; and provides, as appropriate for students at each grade level, methods, including options, for:

- (A) managing students in the classroom and on school grounds
- (B) disciplining students; and
- (C) preventing and intervening in student discipline problems, including bullying harassment and making hit list.

Under the requirements of 37.001(a)(8), the school district is also required to have specific options developed under local policy that are appropriate to each grade level that provide for preventing and intervening in student discipline problems, including bullying, harassment, and making hit list. Under Texas Education Code, Chapter 25, Section 25.0342 a parent has an opportunity to transfer their child to another campus if their child has been determined by the school to have been bullied.

We recommend that you review the local policy on bullying and harassment. Make sure that all staff are aware of the policy and have current training on how to recognize and prevent bullying and harassment.

REPORTING: It is important for each student to report any bullying or threats to the nearest teacher or adult at school as soon as possible so school officials may take appropriate action. Additionally, teachers and adults in the school should be aware of how students are treating each other and to intervene when inappropriate behavior is recognized. It is important that your staff are well trained and ready to take the appropriate action. Further, students should feel comfortable to approach staff with their concerns.

RESOURCES:

A great resource is the school counselor who is trained to address the issues of bullying and harassment and to assist students and staff in dealing with the consequences.

<http://www.education.com/topic/school-bullying-teasing> This site includes a list of peer-reviewed articles related to bullying.

<http://stopbullyingnow.hrsa.gov/adult/indexAdult.asp?Area=cyberbullying> This site offers practical advice to students and parents about ways to respond to bullying at school.

<http://www.oag.state.tx.us/criminal/cybersafety.shtml> The Texas Attorney General's Office offers information about cyberbullying, dating violence, and other safety issues.

http://www.ascd.org/publications/educational_leadership/may07/vol64/num08/How_We_Treat_One_Another_in_School.aspx A survey of middle school students' experiences with bullying shows that kids want the adults in school to pay attention and keep them safe.

http://www.tea.state.tx.us/index4.aspx?id=2822&menu_id=798 Safe and Drug Free Schools

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BULLYING AND HARASSMENT IN OUR SCHOOLS:

A FACT SHEET

BULLYING AND HARASSMENT ARE PREVALENT PROBLEMS WITH SIGNIFICANT, ADVERSE CONSEQUENCES. Our nation's schools face longstanding challenges in preventing and effectively responding to instances of bullying and harassment. Bullying and harassment interfere with students' abilities to learn and to achieve high standards. And bullying and harassment can lead to even greater school safety problems. As a matter of sound education policy for all students, no student should be subjected to bullying or harassment that interferes with the student's opportunity to learn, whether based on race, color, national origin, gender, disability, sexual orientation, religion, or other characteristics.

- "Bullying is serious business. Once thought to be simply an unpleasant rite of passage, bullying can actually result in long-term social, academic, psychological, and physical consequences." *USED; see also NASBE; JAMA; AAUW.*

- An unfortunate reality in our nation's schools today is this: incidents of harassment and bullying are all too frequent—adversely affecting student learning and contributing to more violence in schools, and beyond. In short, "bullying is a serious problem" for youth in the United States, most frequently stemming from perceptions by youth that they do not "fit in." *JAMA; see also MassYRBSR.* The "academic consequences of bullying include decreased interest in school, increased absences, and decreased concentration levels for students. Bystanders are also affected by bullying. Many lack a sense of mental and physical well-being." *NASBE.* Long-term effects associated with bullies include antisocial behaviors such as vandalism, shoplifting, truancy, and frequent drug use. *NASBE.*

- "Significant numbers of students across the country are targets of bullying by their peers." A national survey of middle- and high-school aged youth entitled *Health Behaviour of School-aged Children*, funded by the National Institute of Child Health and Human Development, involved analysis of over 15,000 student responses in U.S. public and private schools. *NICHHD.* Among its conclusions:
 - Almost 30 percent of the over 15,000 public school students surveyed reported occasional or frequent involvement in bullying; and
 - Over 5.7 million youth are estimated to be involved in moderate or frequent bullying, nationally.

The U.S. Department of Education has cited to this survey, noting that bullying "affects nearly one in every three American schoolchildren in grades six through ten." *USED.*

- “Tens of thousands of students are still afraid to go to school because of teasing, harassment, and intimidation from other students.” *NASBE; see also MassYRBSR.*
- Both girls and boys experience harassment: 83% of girls and 79% of boys report having experienced harassment. *AAUW.* Both physical and non-physical harassment are common: 76% of students have experienced non-physical harassment while 58% have experienced physical harassment. *AAUW.*
- Harassment and bullying occur in the early years.
 - Over one-third of students who have been harassed report that they first experienced it in elementary school. *AAUW.*
 - Students in the lower grades are generally more likely to be bullied than students in higher grades. E.g., in one federal survey, 14% of students in 6th grade reported being bullied, compared with 2% of students in 12th grade. *USED and USDoJ.*

THE AMERICAN PUBLIC IS CONCERNED ABOUT SCHOOL SAFETY AND SUPPORTS PROTECTION FOR ALL STUDENTS. The American public identifies school safety in general—and bullying and/or harassment in particular—as among the public school issues of most concern.

- The public is concerned about school safety. *MassYRBSR.*
- Over three-quarters of the public say that lack of student discipline is a very or somewhat serious problem in their community. *Gallup.*
- Over 60% of the public think that fighting, violence and gangs are very or somewhat serious problems. *AAUW.*

WHAT IS BULLYING? WHAT IS HARASSMENT?

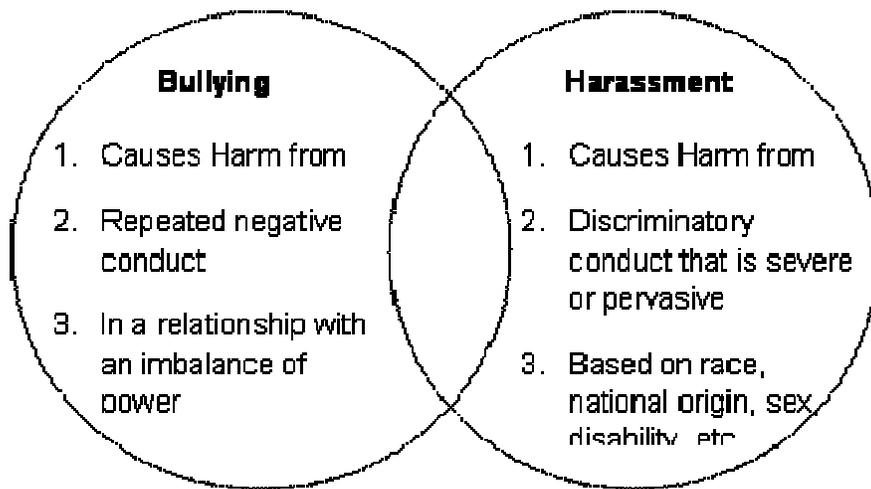
Bullying refers to conduct that:

- adversely affects a student’s ability to participate in or benefit from the school’s educational programs or activities
- as a result of repeated negative actions (intentional, aggressive behavior) by one or more other students over time, and
- that occurs in a relationship in which there is an imbalance of power.

Bullying can be physical, such as hitting, kicking or pushing; or involve other conduct, such as name-calling.

Harassment refers to conduct that:

- adversely affects a student’s ability to participate in or benefit from the school’s educational programs or activities because it is so severe, pervasive or objectively offensive; and
- is based upon a student’s actual or perceived identity with regard to race, color, national origin, gender, disability, sexual orientation, religion, or other identifying characteristics.



See generally JAMA; U.S. Department of Education Guidance cited on p.3.

EDUCATORS AGREE ABOUT THE POWER OF PREVENTION WHEN ADDRESSING BULLYING AND HARASSMENT. Research and experience indicated that comprehensive and proactive efforts are more likely to be effective in preventing incidents of bullying and harassment. Steps can be taken on the front end to raise the consciousness of the school community and to educate teachers, staff, parents and students regarding the nature of the issue, as well as effective responses.

- In the words of one recent study, “Bullying prevention IS crime prevention.” *FC*.
- “The prevalence of bullying found in...recent studies highlights the importance of efforts to prevent and reduce bullying in America’s schools.” *USED*.

- “Research and experience suggest that comprehensive efforts that involve teachers and other school staff, students, parents, and community members are likely to be more effective than purely classroom-based approaches.” *USED*.
- Effective anti-bullying programs “require strong leadership and an ongoing commitment from school personnel.” *USED*.
- “Staff development and training are essential to sustain [effective anti-bullying] programs.” *USED; see also NASBE*.

CURRENT FEDERAL LEGISLATION DOES NOT COMPREHENSIVELY ADDRESS THE ISSUE OF BULLYING AND HARASSMENT. Certain federal laws address particular kinds of harassment, but federal legislation does not prohibit *all* kinds of harassment in schools. Similarly, no federal legislation specifically prohibits bullying in schools.

- Current federal laws prohibit harassment based on:
 - race, color and national origin (*see Title VI of the Civil Rights Act of 1964 and “Racial Incidents and Harassment Against Students at Educational Institutions: Investigative Guidance: Notice,” 59 Fed. Reg. 11448 (March 10, 1994)*);
 - sex (*see Title IX of the Education Amendments of 1972, 20 U.S.C. §1681 et seq. and “Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties,” 66 Fed. Reg. 5512 (January 19, 2001)*); and
 - disability (*see Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §794; Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. §12134; and “Dear Colleague Letter” from U.S. Department of Education, dated July 25, 2000*).
- No federal legislation specifically prohibits bullying in schools. The enforcement of non-discrimination laws (cited above), however, may reach certain conduct that may also be characterized as bullying.
- Without specifically proscribing bullying or harassment, the No Child Left Behind Act of 2001 does:

- *Permit* states to spend specified amounts on training, technical assistance, and demonstration projects to address violence that is associated with prejudice and intolerance; and
- *Condition* certain funding to school districts upon their written assurance that they (or the schools to be served) have a plan for keeping schools safe and drug-free that includes “a code of conduct policy for all students that clearly states the responsibilities of students, teachers and administrators in maintaining a classroom environment that,” among other things, “allows all students in the class to learn” and “has consequences that are fair and developmentally appropriate.”

FACT SHEET REFERENCES

1. *AAUW*: American Association of University Women, *Hostile Hallways: Bullying, Teasing, and Sexual Harassment in School* (2001).
2. *FC*: Fight Crime: Invest in Kids, *Bullying Prevention Is Crime Prevention* (2003).
3. *JAMA*: Nansel et al., *Bullying Behaviors Among U.S. Youth: Prevalence and Association with Psychosocial Adjustment*, 285 *Journal of the American Medical Association* 2094, 2094-2100 (April 25, 2001).
4. *LSP*: Lake Snell Perry & Associates, GLSEN, *Talking About Respect: A+ Messages for Those Working to Create Safe Schools for Lesbian, Gay, Bisexual and Transgender Youth* (2001).
5. *MassYRBSR*: Massachusetts Department of Education, *2001 Massachusetts Youth Risk Behavior Survey Results* (September 2002).
6. *NASBE*: National Association of State Boards of Education, *Bullying in Schools*, 11 Policy Update No. 10, June 2003.
7. *NICHHD*: National Institute of Child Health and Human Development, *Health Behaviour in School-aged Children: A World Health Organization Cross-National Study—Research Protocol for the 1997-98 Survey* (1998).
8. *USED*: U.S. Department of Education Office of Safe and Drug-Free Schools, *Bullying Prevention in the School: Research-Based Strategies for Educators*, 11 The Challenge No. 3, (2003).

9. *USED and USDoJ: Devoe et al., U.S. Departments of Education and Justice, Indicators of School Crime and Safety: 2002*, NCES 2003-009/NCJ 196753 (Washington, D.C. 2002).

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