

# Bullying Prevention Law and Policy

August 24<sup>th</sup>, 2016

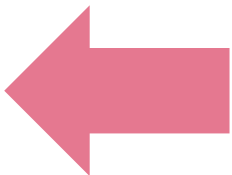
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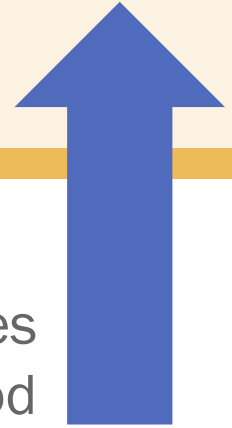


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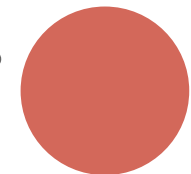
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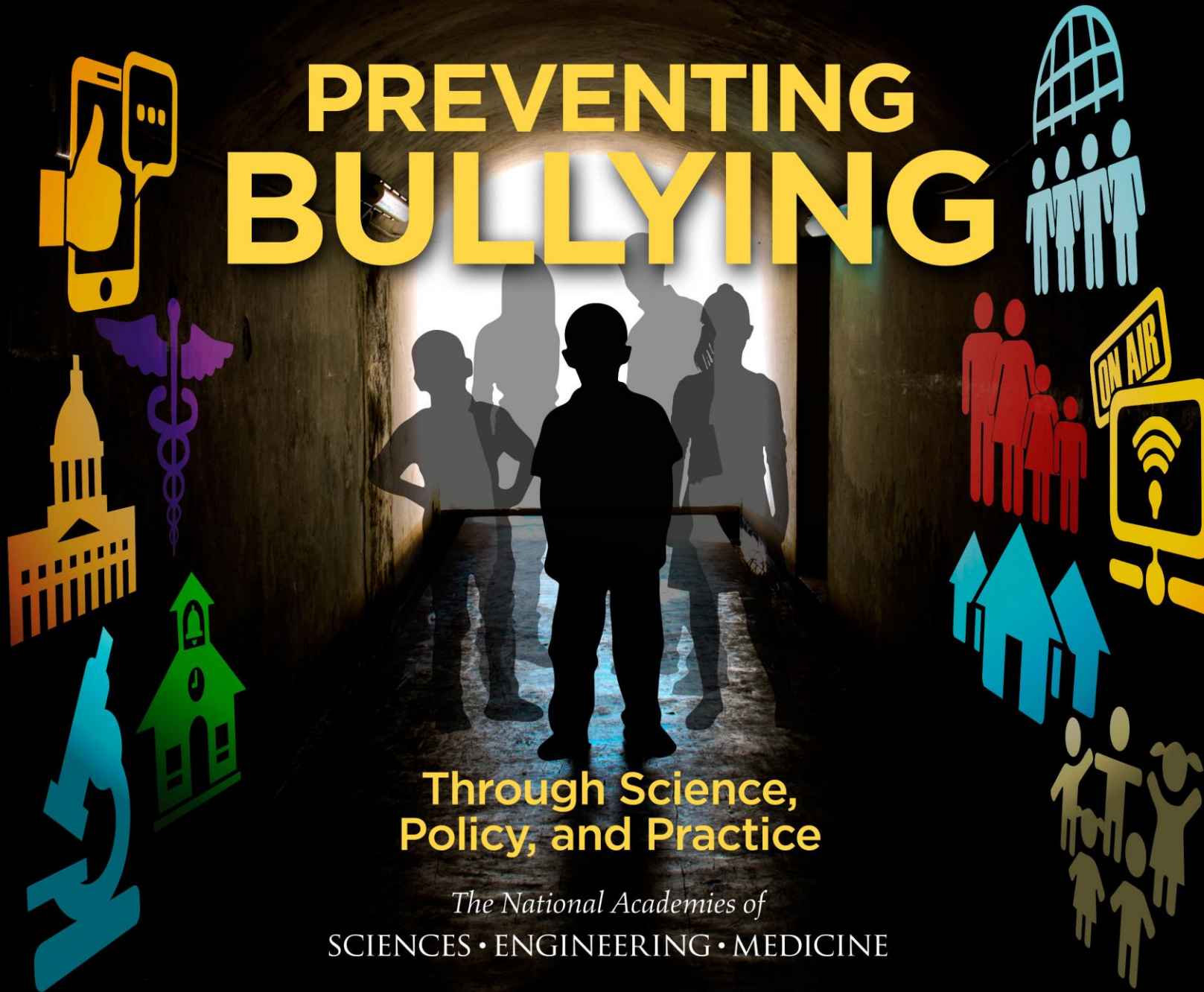
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# PREVENTING BULLYING

Through Science,  
Policy, and Practice

*The National Academies of*  
SCIENCES • ENGINEERING • MEDICINE





# The Role of Law and Policy in Bullying Prevention

Presented by Jonathan Todres and Mark Hatzenbuehler  
August 24, 2016

# STUDY SPONSORS



- Centers for Disease Control and Prevention (CDC)
- Eunice Kennedy Shriver National Institute of Child Health & Human Development
- Health Resources and Services Administration
- National Institute of Justice
- Robert Wood Johnson Foundation
- Substance Abuse and Mental Health Services Administration
- The Semi J. and Ruth W. Begun Foundation
- Highmark Foundation



# COMMITTEE



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Research Assistant

# STATEMENT OF TASK



- The Board on Children, Youth, and Families in conjunction with the Committee on Law and Justice, of the National Academies convened a committee of experts to:

**conduct a consensus study and produce a comprehensive report on the state of the science on:**

- 1) the biological and psychosocial consequences of peer victimization and**
- 2) the risk and protective factors that either increase or decrease peer victimization behavior and consequences.**

- A particular focus on children who are most at risk of peer victimization— those with high risk factors in combination with few protective factors— such as **children with disabilities, LGBT youth, poly-victims, and children living in poverty** were included in the study.



# THE FOLLOWING QUESTIONS WERE OF PARTICULAR INTEREST TO THE COMMITTEE:



What is the state of the research on neurobiological, mental and behavioral health effects of bullying?

How are individual and other characteristics related to the dynamic between perpetrator and target? Short and long-term outcomes for both?

What is known about physiological and psychosocial consequences of bullying (both perpetrator and target)?

What factors contribute to resilient outcomes of youth exposed to and involved in bullying?

# COMMITTEE USED CDC DEFINITION OF BULLYING



Bullying is any unwanted aggressive behavior(s) by another youth or groups of youths who are not siblings or current dating partners that involves an observed or perceived power imbalance and is repeated multiple times or is highly likely to be repeated. Bullying may inflict harm or distress on the targeted youth including physical, psychological, social or educational harm. — 2011

# OVERVIEW OF THIS PRESENTATION



- Law as a tool
- The landscape of anti-bullying laws & policies
- Federal and state laws
- Impacts of laws
- Implementation and effectiveness studies
- Future directions on research
- Recommendation

# PRELIMINARY NOTE



- 
- Focus: federal and state law & policy
- Did not include local and school policies
  - [Exception: one study and zero tolerance policies]
  - 1. Few systematic evaluations of local or school-specific policies exist.
  - 2. Diversity at local and school level, and unique traits of schools, make it difficult to draw generalizable conclusions.
  - 3. In many jurisdictions, state law provides the mandate that local entities adopt measures to address bullying in district or schools.
- Review includes:
  - 1. Laws & policies that refer to bullying; and
  - 2. Other laws and policies (e.g., federal law) that are recognized as applying to bullying even though they use other terms.

# LAW CAN BE A USEFUL TOOL (CDC, 2006)



**Motor vehicle  
safety:  
Performance  
and crash  
standards for  
motor vehicles**

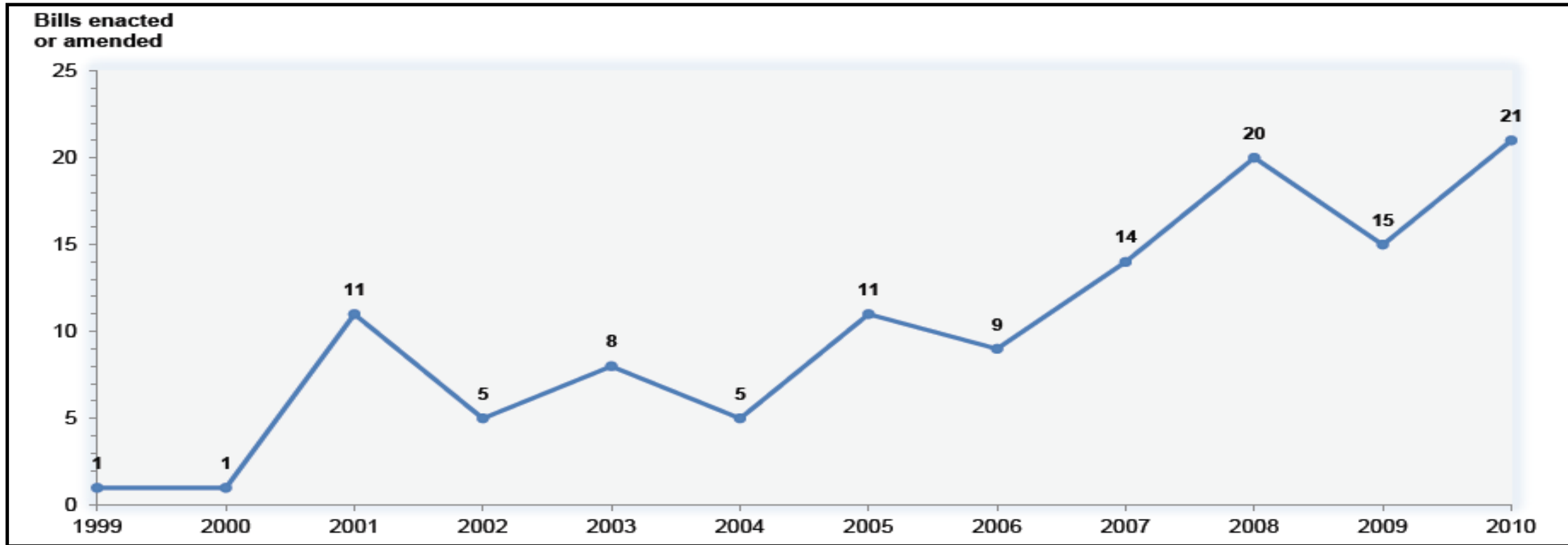
**Vaccination:  
Financial aid to  
state vaccination  
programs**



**Recognition of  
tobacco use as a  
health hazard:  
Prohibition of  
advertising on radio  
and television**

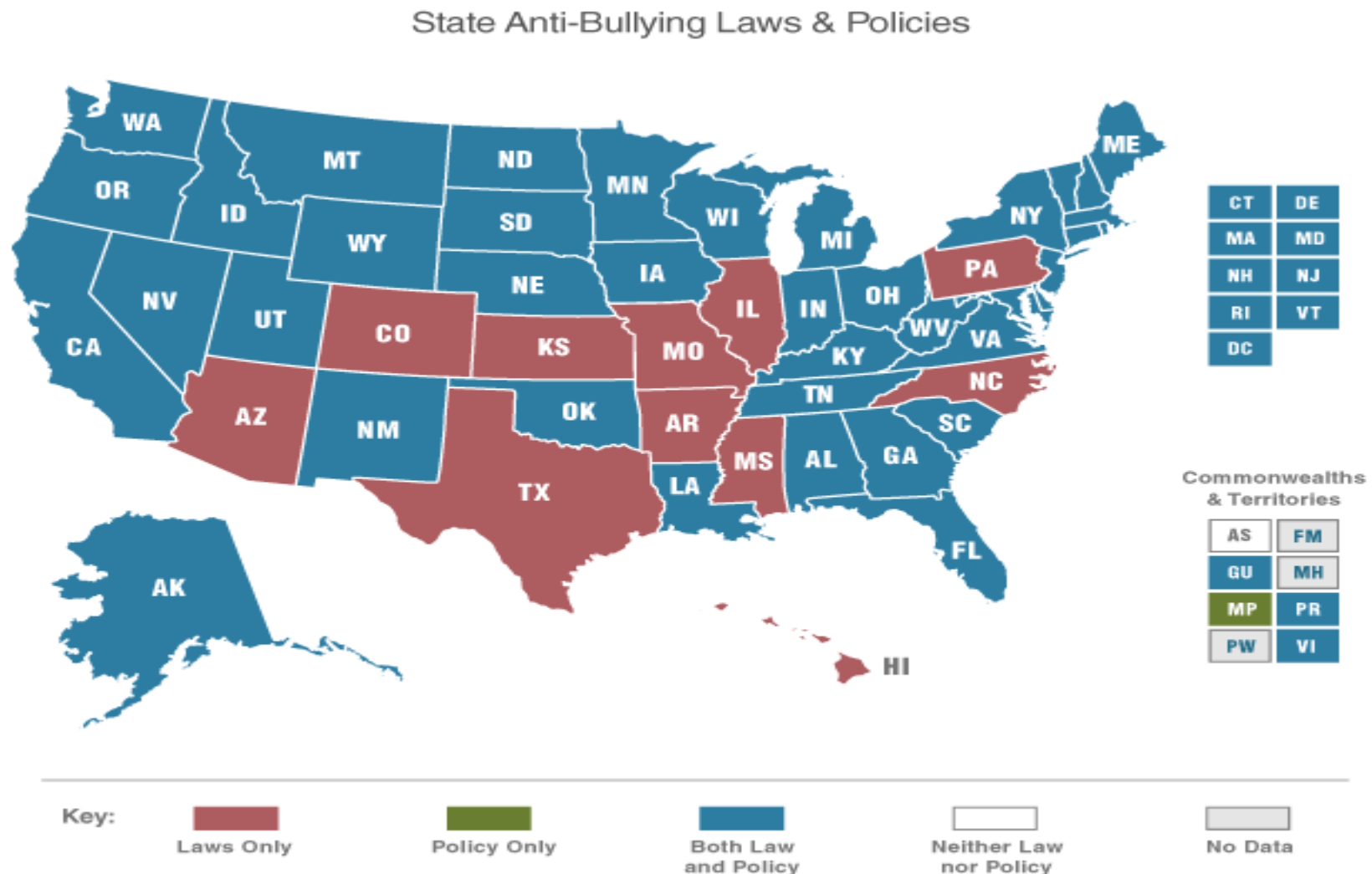
**Safer and healthier  
foods: School meals**

# ANTI-BULLYING LAWS AND POLICIES: RAPID EXPANSION





# ANTI-BULLYING LAWS & POLICIES ACROSS THE UNITED STATES



Source: StopBullying.gov

# FEDERAL LAW



- No specific federal anti-bullying law
- Civil rights & antidiscrimination laws secure rights for protected classes
- Protected classes:
  - Race, color, or national origin
  - Sex
  - Disability
  - Religion

# FEDERAL LAW (continued): IDEA



- Individuals with Disabilities Education Act offers further protections for some students
- Requires states that receive federal education funding to provide children with disabilities with free appropriate public education
- Education must be provided in least restrictive environment and in conformity with an individualized education program (IEP)
- Bullying may interfere with covered child's access to an appropriate public education

# LIMITS OF FEDERAL LAW



- Limited to recognized protected classes
- School responses are constrained by constitutional limitations
  - Privacy
  - First Amendment

# U.S. DEPARTMENT OF EDUCATION OFFICE OF CIVIL RIGHTS DEAR COLLEAGUE LETTER 2010



- Eleven recommended components for state and local laws and policies on bullying
  - (1) Purpose statement
  - (2) Statement of scope
  - (3) Specification of prohibited conduct
  - (4) Enumeration of specific characteristics
  - (5) Development and implementation of local education area policies
  - (6) Essential components of local education area policies
  - (7) Provision for regular review of local policies
  - (8) Communication plan for notifying students, families, and staff of policies related to bullying
  - (9) Training and prevention education
  - (10) Transparency and monitoring
  - (11) Statement that the policy doesn't preclude those who are bullied from seeking other legal remedies

# STATE LAW



All 50 states and District of Columbia have adopted or revised laws on bullying; 49 states and District of Columbia include electronic forms of bullying

However, approaches vary, and little has been evaluated.

Key areas of difference:

- Differing definitions
- Differences in specification of enumerated classes
- Variation in scope of jurisdiction
- Training differences
- Unfunded mandates



# LITIGATION



- Courts offer a potential source of remedies for bullying targets
- Limited remedy
  - Majority of instances of bullying do not reach litigation
  - Claims filed in court typically represent more severe cases of bullying
  - Plaintiffs win only a small percentage of cases

# ZERO-TOLERANCE POLICIES: BRIEF OVERVIEW



- “Zero tolerance” includes range of policies that impose severe sanctions on students, typically suspension and expulsion, for minor offenses in hopes of preventing more serious ones
- Became widely adopted in schools in early 1990s; now applied in bullying context in some schools
- Research indicates that these policies:
  - have not made schools safer
  - are not effective in curbing aggressive or bullying behavior
  - can disrupt learning
  - are disproportionately used to discipline students of color

# WHAT WE KNOW AND WHAT WE NEED TO KNOW



Federal law offer important protections against bullying, but may be limited in addressing bullying of individuals who are not a member of an enumerated protected class.

States and localities have been actively exploring law and policy solutions to bullying. Current state laws differ on a number of critical issues.

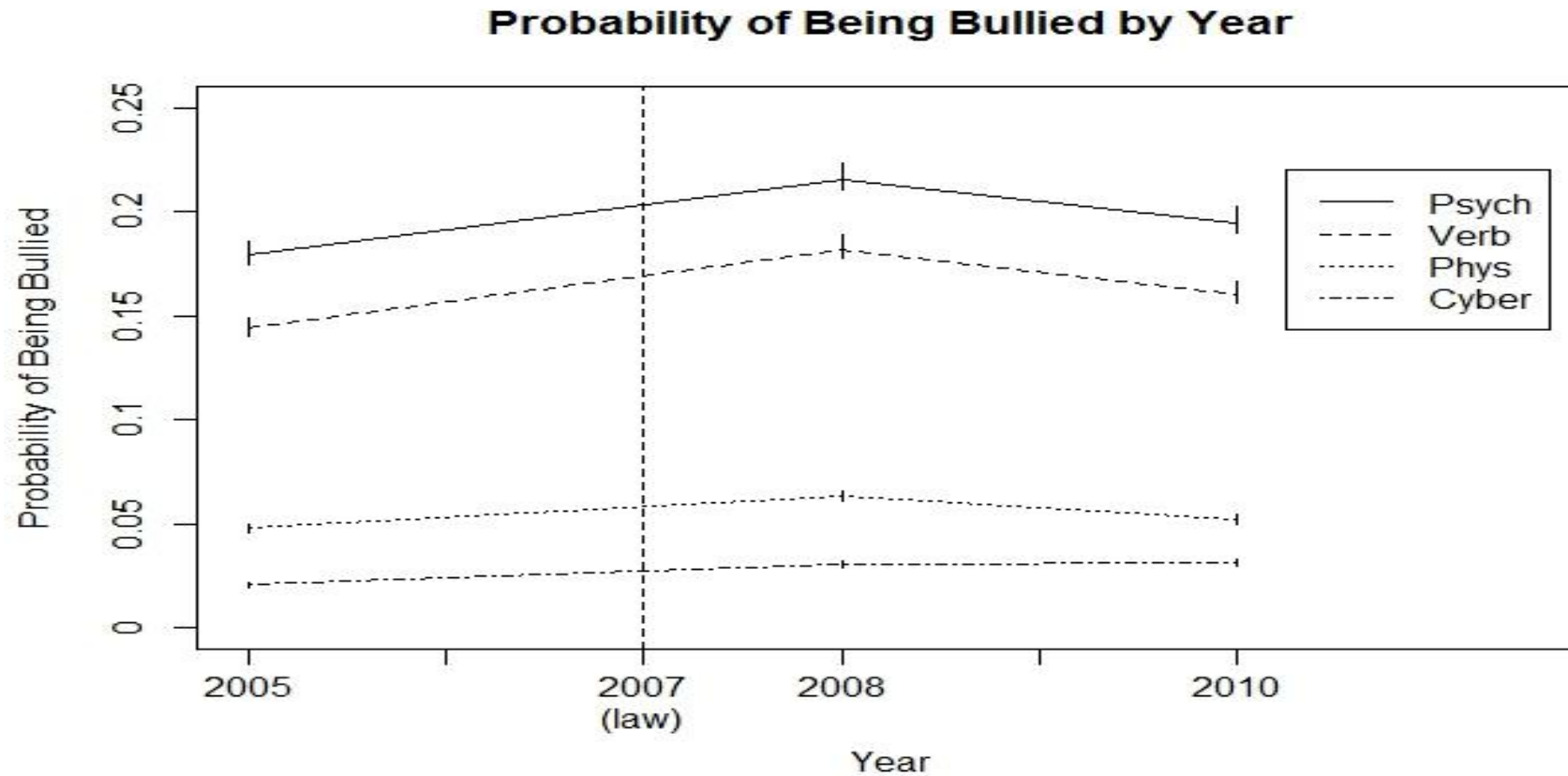
There is limited evidence on the consequences of expanding schools' authority to addressing bullying that occurs off-campus.

Litigation offers a potential remedy for victims of bullying. Although some claimants have been successful in pursuing a remedy through the courts, significant challenges exist in pursuing litigation, and most cases litigated to date have favored defendants (most commonly, schools).



“Although the content of state anti-bullying laws has been evaluated and contrasted, remarkably little research has been conducted to study how these laws and policies are implemented and to what effect.”

# FINDINGS: HOW DOES THE LAW IMPACT RATES OF BULLYING VICTIMIZATION? (RAMIREZ ET AL., 2016)



Ramirez M., Ten Eyck P., Peek-Asa C., Onwuachi-Willig A., & Cavanaugh, JE., Effectiveness of Iowa's Anti-Bullying Law in Preventing Bullying.

# RELATIONSHIP BETWEEN BULLYING POLICIES AND SELF-REPORTED BULLYING VICTIMIZATION<sup>1</sup>



- **US Department of Education report *Analysis of State Bullying Laws and Policies* (2011)**
  - Identified 11 key legislative and policy components and 6 school district policy subcomponents
- **Linked to data from 25 states participating in the 2011 Youth Risk Behavior (YRBS) Survey (n=59,472 students)**



# KEY LEGISLATIVE AND POLICY COMPONENTS AND SCHOOL DISTRICT POLICY SUB-COMPONENTS (DEPARTMENT OF EDUCATION)



Component	Content
<b>Definitions</b>	
Purpose	Purpose of laws and policies and prohibitions against bullying
Scope	Scope of laws and policies (e.g., where policies apply)
Prohibited behavior	Specific behaviors defined as bullying
Enumerated groups	Group characteristics as target of intention
<b>District policy development and review</b>	
District policy	Development and implementation of policies
District policy review	Review of school district policies
<b>District policy components</b>	
Definitions	Definitions of prohibited behavior outlined in policies
Reporting	Responsibilities for reporting bullying incidents
Investigations	Responsibilities for investigating reports
Written records	Responsibilities for keeping records of incidents
Consequences	Consequences or sanctions for bullying perpetrators
Mental health	Counseling, services for victims/perpetrators
<b>Additional components</b>	
Communications	Communication of policy to students, parents, and school personnel.
Training/ prevention	Prevention and training for school personnel and students
Transparency/monitoring	Monitoring incidents and actions/public reporting
Legal remedies	Victim rights to pursue legal remedies

# EFFECTIVE BULLYING POLICIES



- Students in states with at least one Dept of Education legislative component in the anti-bullying law had a **24% reduced odds of reporting bullying and 20% reduced odds of reporting cyberbullying**
- Components of legislation consistently associated with decreased odds of exposure to bullying and cyberbullying
  - statement of scope
  - description of prohibited behaviors
  - requirements for school districts to develop and implement local policies.

# KEY STRENGTHS AND LIMITATIONS OF THIS WORK



## STRENGTHS

- Initial insights into efficacy of policies
- Quasi-experimental design (Ramirez)
- Representative samples of youth



## LIMITATIONS

- Reliance on cross-sectional designs
- No information on implementation

# METHODS USED IN IMPLEMENTATION STUDIES



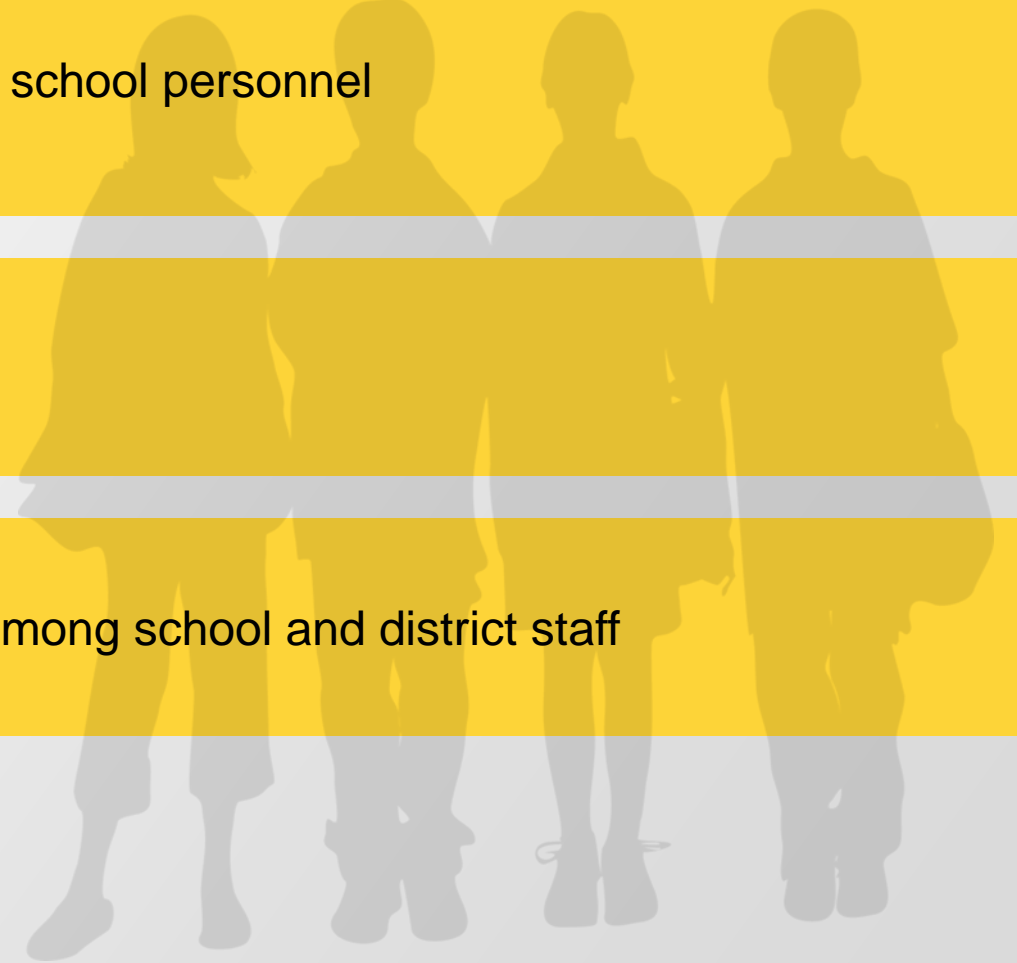
- ▶ Content reviews of school and district policies
- ▶ Quantitative surveys of teachers and administrators
- ▶ In-depth qualitative interviews



# FACTORS THAT FACILITATE IMPLEMENTATION



- ▶ General support for anti-bullying policies by district and school personnel
- ▶ Strong school leadership
- ▶ Effective communication and a sense of collaboration among school and district staff



# BARRIERS TO SUCCESSFUL IMPLEMENTATION



- ▶ Lack of awareness of the specific components of the laws and policies among school administrators and teachers
- ▶ Confusion over the scope of the laws and policies and the bullying behaviors they cover
- ▶ Ability of local jurisdictions to fulfill mandates required by law such as teacher training without additional resources



# KEY STRENGTHS AND LIMITATIONS OF THIS WORK



## Key Strengths

- Valuable initial insights regarding challenges
- Focus on positive aspects of the policies such as greater attention on bullying in schools

## Key Limitations

- Lack of generalizability to population of school-based youth
- Unclear descriptions of methods
- Studies have typically only evaluated a limited range of the different components of implementation (e.g., compliance with establishment of the policy but not fidelity of implementation)

# FUTURE DIRECTIONS OF RESEARCH ON EFFECTIVENESS STUDIES



- Need to determine:
  - Whether anti-bullying laws and policies are effective in reducing bullying perpetration
  - Mechanisms through which anti-bullying laws and policies reduce bullying
  - Whether anti-bullying laws and policies impact all forms of bullying
  - Whether the beneficial consequences of these laws and policies also extend to other forms of youth violence
  - Whether among those who are bullied, anti-bullying laws and policies are effective in reducing the adverse sequelae associated with exposure to bullying
  - Whether these laws and policies are effective in reducing disparities in bullying

# FUTURE DIRECTIONS OF RESEARCH ON IMPLEMENTATION STUDIES



- Need to more fully understand the institutional, contextual, and social factors that impede or facilitate the implementation of anti-bullying laws and policies.
- Such studies should be:
  - Grounded in social science theory
  - Conducted with larger and more representative samples
  - Conducted with the state-of-the-science methods

# RECOMMENDATION



## Actors:

- U.S. Department of Education's Office of Civil Rights, State Attorneys General, and local education agencies

## Actions:

- Partner with researchers to collect data on an ongoing basis on the efficacy and implementation of anti-bullying laws and policies
- Convene a multi-disciplinary annual meeting in which collaborations around anti-bullying laws and policies can be more effectively facilitated, and in which research on relevant laws and policies can be reviewed
- Report research findings on an annual basis to both Congress and the state legislatures

## Goal:

- To strengthen anti-bullying laws and policies and have them be informed by evidence-based research

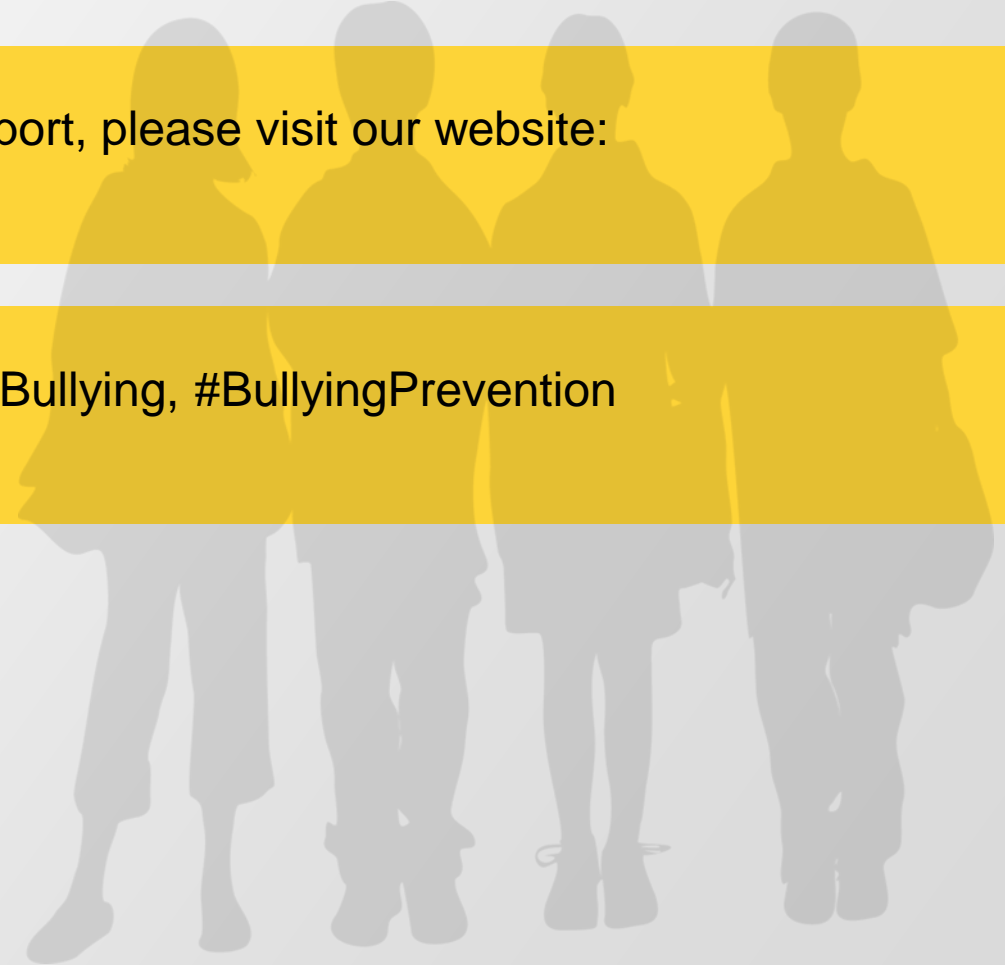
# TO LEARN MORE...



To learn more about the Committee or to access the report, please visit our website:  
[www.nas.edu/scienceonbullying](http://www.nas.edu/scienceonbullying)



Help us spread the word on social media: #ScienceOnBullying, #BullyingPrevention



# Questions



Please enter your questions in the Q & A box

**Thank you!**

[Please take our short evaluation](#)

Next webinar:

**Bullying Prevention and Intervention**

Wednesday, September 14<sup>th</sup>, 2016

[Click here to register](#)