School Policies on Bullying

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Overview

1. Impact of school safety concerns
   - Zero tolerance
   - Building security and shooter drills

2. Safety of our schools

3. Policy recommendations and problems
School Policies Are Shaped by Fears of School Violence

• Bullying came to national attention because of a perceived link to school shootings.
• Fear of school shootings has dramatically changed school discipline and safety practices.
• School discipline and safety practices may conflict with effective school bullying policies.
Bullying Prevention Efforts Must Compete with Other Priorities

- Building security measures
- School shooting drills
- Zero tolerance discipline practices
- High stakes testing and other academic expectations
Bullying is reported motive for many school shootings

In a culture that rewards power over others, says Jackson Katz, 41, whose Long Beach, Calif., consulting firm counsels schools and the militia on violence prevention. “In corporate culture, in sports culture, in the media, we honor those who win at all cost. The bully is a kind of hero in our society.” Perhaps not surprisingly, most bullies are male. “Our culture defines masculinity as connected to power, control and dominance,” notes Katz, whose work was inspired in part by the shame he felt in high school when he once mowed a lawn while a bully beat up a smaller student.

As for the targets of bullying, alienation runs like a sin through most of their lives. A study last fall by the U.S. Secret Service found that in two-thirds of the 37 school shootings since 1974, the attackers felt “persecuted, bullied, threatened, attacked or injured.” In more than three-quarters of the cases, the attacker told a peer of his violent intentions. William Pollack, a clinical psychologist and author

“ANDY” WILLIAMS, 15
Taunting sent him on a fatal rampage

“We abused him pretty much, I mean verbally.”
— A Santee, Calif., teenager

PEOPLE ENDT

Zipland Kinkel being taken to his arraignment

Pearl, Miss.
OCT. 1, 1997

“The world has wronged me, and I couldn’t take it anymore,” said LUKE WOODHAM, 16, at the end of his rampage through town and school. Woodham has been charged as an adult in the deaths of his mother and two classmates, apparently part of a larger conspiracy. Seven other boys were later arrested.

■ A .30-.30-cal. rifle was used

West Paducah, Ky.
DEC. 1, 1997

Three girls were killed when MICHAEL CARNEAL, 14, opened fire on a prayer meeting that had assembled in school just before the start of classes. He had warned a classmate that “something big” would happen. When a friend pushed him to a wall to stop the rampage, Carneal said, “Kill me, please. I can’t believe I did that.” He faces trial as an adult.

■ A .22-cal. Ruger pistol was used

Stamps, Ark.
DEC. 15, 1997

Eighth-grader JOSEPH (“COLT”) TODD, 14, is accused of randomly shooting two schoolmates. The local sheriff said Todd had been bullied by other classmates and had had enough: “It didn’t matter who walked on campus. He was just intending to inflict pain on somebody,” Todd has been charged as an adult.

■ A .22-cal. rifle was used
Bullying is reported motive for many school shootings

Secret Service and Dept of Education study:

71% of attackers felt bullied or persecuted at school.

School shootings have transformed school safety and discipline.

(APA Zero Tolerance Task Force, 2008; Cornell, 2006)
The Expansion of Zero Tolerance

From No Guns to

- No Toy Guns
- No Nail clippers
- No Plastic utensils
- No Finger-pointing
- No Jokes
- No Drawings
- No Rubber band shooting

No Accidental violations
Zero Tolerance Suspensions After the Newtown Shootings

6 year old pointed finger and said “pow!”

http://www.sott.net/article/255552-6-year-old-suspended-for-pretend-gunshot
Students are suspended for trivial misbehavior.
School suspension practices have raised concerns about racial disparities and possible discriminatory practices in school discipline.
School shootings are so traumatic that they skew perceptions of school safety and convince the public and policymakers that there are dramatic needs for security measures.
Building Security Measures

Bullet-Proof Building Entrances
Building Security Measures

Metal detectors and x-ray screening
Building Security Measures

Security and Police Officers
Building Security Measures

Security Cameras
Building Security Measures

Camera Monitoring Systems
Increased use of firearms for school security

Gun group offers training for Utah teachers

Christine Caldwell, left, receives firearms training with a 9mm Glock from personal defense instructor Jim McCarthy during concealed weapons training for 200 Utah teachers Thursday, Dec. 27, 2012, in West Valley City, Utah. The Utah Shooting Sports Council offered six hours of training in handling concealed weapons in the latest effort to arm teachers to confront school assailants. (AP Photo/Rick Bowmer)
Extra security in Hillsborough schools would cost $4 million

School security measures could cost millions locally

Additional Florida School Security Could Cost $100 Million

School security wish list would cost Marion County $160M

Armed guards in every Minn. school would cost $138 million

NRA proposal would cost state schools about $138 million.

(DeAngelis, Brent, & Ianni, 2011)
School security measures are expensive and deprive schools of resources that could be allocated to preventive measures such as anti-bullying programs and counseling services.

Armed guards in every Minn. school would cost $138 million

NRA proposal would cost state schools about $138 million.

*Every Per Pupil dollar spent for Security is a Per Pupil dollar NOT spent for Instruction.*
School Shooter Drills Are Widely Practiced
Students are involved in shooter drills.
Students escorted from school during a shooter drill.
Simulated Injuries
Some schools hold monthly lockdown drills.

Many states mandate 1 or more lockdown drills per year.
Schools Are Safe: Risk of Violence Exaggerated

- School-age homicides rarely occur at school
- Most homicides occur in residences and other locations
- School violence has declined.

(Cornell, 20006; Nekvasil & Cornell, 2014)
Homicides At School vs Outside of School

Ages 5-18

Sources: CDC National Center for Health Statistics and School Associated Violent Death Surveillance Study (All annual totals are approximate, using the school year for school homicides and the calendar year for non-school data).
2005-2010 Homicides in 37 States

- Residence: 9847
- Street: 4455
- Parking lot/garage: 1209
- Outdoors: 629
- Restaurant/bar: 533
- Store/gas station: 492
- Public building/business: 288
- Hotel/motel: 211
- School: 49

FBI National Incident-Based Reporting System (NIBRS) database. Selected locations. School includes colleges. Analyses by Nekvasil, Cornell, & Huang, 2013
School-Associated Violent Deaths 1992-2010

Total number of violent deaths at U.S. schools
Data from CDC

2013 data from CDC School-Associated Violent Death Study - http://www.cdc.gov/violenceprevention/youthviolence/schoolviolence/savd.html
“Any given school can expect to experience a student homicide about once every 6,000 years.”
School violence has declined.

Indicators of school crime and safety; 2012. Table 2.1. National Crime Victimization Study data reported by National Center for Education Statistics (Robers et al., 2013)
School policies on bullying must be disentangled from concerns about school shootings and school security.
Policies should be based on recognized harms associated with bullying.

Individual impact on students
- Victims
- Perpetrators
- Bystanders

Schoolwide impact on school climate
49 states have legislation on bullying

LEAs directed to develop policies with certain features, e.g.:

- Define and prohibit bullying
- Mandate staff reporting
- Investigate bullying
- Train staff
- Monitor level of bullying

Policy Recommendations

1. Clarify bullying definition and educate school community (students, staff, parents).
2. Detect and intervene to stop bullying, but do not use zero tolerance.
3. Use valid measures to assess bullying.
4. Use evidence-based strategies to reduce bullying and intervene with victims, perpetrators, and bystanders.
5. Recognize when bullying is criminal or discriminatory.

Cornell & Limber (under review) Legal and policy considerations in bullying intervention.
Policy Problems

1. Definition of bullying
2. Detection of bullying
3. Assessment of bullying
4. Use of evidence-based programs
5. Bullying as discrimination
Policy Problem 1

- State definitions of bullying tend to be inclusive of any form of intentional peer aggression.
- Conventional research definitions (and CDC definition) are limited to peer aggression with a power imbalance.

Policy Problem 2

- Students are unwilling to report bullying to adults. A more supportive school climate and change in peer culture will help.

- Schools need more systematic and effective ways to identify victims.
  - Tip lines
  - Peer nomination surveys
  - Active staff monitoring and inquiry

(Cornell & Cole, 2011; Eliot et al., 2010; Swearer et al., 2010)
Policy Problem 3

- Schools rely on anonymous self-report surveys of limited validity.
- Anonymous surveys cannot be validated against independent criteria.
- Self-reports depend on student knowledge and understanding of the complex concept of bullying.

(Cornell & Cole, 2011)
Policy Problem 4

• Policies should encourage evidence-based programs.
• Many bullying prevention programs have little or no scientific support.
• There is a huge market for motivational speakers and other programs with unknown effectiveness.
Policy Problem 5

- Bullying and harassment are often confused or used interchangeably.
- Harassment has legal significance, whereas bullying does not.
- Harassment does not require power imbalance.
October 26, 2010

Dear Colleague:

In recent years, many state departments of education and local school districts have taken steps to reduce bullying in schools. The U.S. Department of Education (Department) fully supports these efforts. Bullying fosters a climate of fear and disrespect that can seriously impair the physical and psychological health of its victims and create conditions that negatively affect learning, thereby undermining the ability of students to achieve their full potential. The movement to adopt anti-bullying policies reflects schools’ appreciation of their important responsibility to maintain a safe learning environment for all students. I am writing to remind you, however, that some student misconduct that falls under a school’s anti-bullying policy also may trigger responsibilities under one or more of the federal antidiscrimination laws enforced by the Department’s Office for Civil Rights (OCR). As discussed in more detail below, by limiting its response to a specific application of its anti-bullying disciplinary policy, a school may fail to properly consider whether the student misconduct also results in discriminatory harassment.
“The statutes that OCR enforces include Title VI of the Civil Rights Act of 19641 (Title VI), which prohibits discrimination on the basis of race, color, or national origin; Title IX of the Education Amendments of 19722 (Title IX), which prohibits discrimination on the basis of sex; Section 504 of the Rehabilitation Act of 19733 (Section 504); and Title II of the Americans with Disabilities Act of 19904 (Title II). Section 504 and Title II prohibit discrimination on the basis of disability.5 School districts may violate these civil rights statutes and the Department’s implementing regulations when peer harassment based on race, color, national origin, sex, or disability is sufficiently serious that it creates a hostile environment and such harassment is encouraged, tolerated, not adequately addressed, or ignored by school employees.”

http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.pdf
Dear Colleague:

The U.S. Department of Education’s Office of Special Education and Rehabilitative Services (OSERS) is committed to working with States to ensure that school districts provide all children with positive, safe, and nurturing school environments in which they can learn, develop, and participate. OSERS is issuing this letter to provide an overview of a school district’s responsibilities under the Individuals with Disabilities Education Act (IDEA) to address bullying of students with disabilities.¹

As discussed in this letter, and consistent with prior Dear Colleague Letters the Department has published, bullying of a student with a disability that results in the student not receiving meaningful educational benefit constitutes a denial of a free appropriate public education (FAPE) under the IDEA that must be remedied.² However, even when situations do not rise to a level that constitutes a denial of FAPE, bullying can undermine a student’s ability to achieve his or her full academic potential. Attached to this letter are specific strategies that school districts and schools³ can implement to effectively prevent and respond to bullying, and resources for obtaining additional information.

USDOE OSER Policy Recommendations for Bullying of Students with Disabilities

- Comprehensive multi-tiered behavioral framework
- Implement clear policies on bullying
- Collect data on bullying
- Notify parents when bullying occurs
- Address ongoing concerns
- Sustain prevention efforts

In May, 1999 Supreme Court ruled that a school board is liable under Title IX for student-to-student harassment if:

1. The sexual harassment was so severe, pervasive, and objectively offensive that it deprived the victim of access to educational opportunities and benefits.

2. School authorities had knowledge of the harassment.

3. School authorities were deliberately indifferent to the sexual harassment.

Davis v Monroe County Board of Education (526 US. 629, 1999)
Liability for Bullying?

Scruggs v. Meriden Board of Education
U.S. District Court of Connecticut

- Middle school boy receiving LD services was bullied repeatedly, and eventually committed suicide
- Family sued superintendent, vice principal and school counselor
- Court found the school to be negligent and deliberately indifferent

LW v Toms River Regional School Board of Education

- New Jersey boy repeatedly teased about perceived sexual orientation in elementary and middle school (called “faggot” “gay” etc., physically bullied and threatened)
- Court cited Davis V Monroe in finding for plaintiff, awarded 50K
- School ordered to revise policies, train staff, implement bullying prevention program
SCHOOL BULLYING

Extent of Legal Protections for Vulnerable Groups Needs to Be More Fully Assessed

http://www.gao.gov/products/GAO-12-785T
Policy Gap

Federal protections from bullying are limited and piecemeal:

- Must deny FAPE
- Only protects victims of harassment based on sex, race, color, national origin, disability status.
- No federal right to education
New Jersey Supreme Court

“Students in the classroom are entitled to no less protection from unlawful discrimination and harassment than their adult counterparts in the workplace.”

Protection from bullying should be a basic right of children and youth.
References


Davis v Monroe County Board of Education (526 US. 629, 1999).


