

Bullying, Intimidation and Harassment Prevention School Policy

A Discussion Paper

This paper provides a background and discussion regarding the need for school policy and procedures to prevent bullying, intimidation and harassment in schools. The paper is intended to focus discussion on the responsibility of school boards, administrators and staff in making the school environment a safe place for all students. In so doing, schools can be what they are intended to be... safe places where teaching and learning can occur.

Prepared for the

Montana Board of Public Education

Prepared by the

Montana Healthy Schools Network

and the

Office of Public Instruction
Division of Health Enhancement and Safety

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Background

The 2005 Montana Legislature considered legislation that would have required the Board of Public Education (BPE) and school districts to jointly address bullying, intimidation and harassment in public schools. The legislation would have accomplished this, in part, by requiring a model policy, training, and a report to the legislature on the efforts undertaken by the BPE and by schools. Although the legislation did not pass, the BPE and the Office of Public Instruction (OPI) have demonstrated their commitment to addressing the issue, to establishing model policy, to identifying resources for training, and to reporting to the legislature.

Using a simple definition for bullying, intimidation and harassment – when someone hurts or scares another person on purpose – a 2003 study of bullying in American schools found that six of every ten (60 percent) American teenagers witness bullying in school at least once a day. ^(R1) Studies have found that 20 to 30 percent of high school students are involved in bullying, either as the bully or as a victim. ^(R2) In another study, one in five (19 percent) elementary students in the U.S. was a victim of bullying. ^(R3)

Specific to Montana, the 2003 Montana Youth Risk Behavior Survey¹ reported behaviors that contribute to violence among Montana teens to be as follows:

- 7.2 percent of high school-aged students carried a weapon (gun, knife or club) on school property, which is slightly above the national average of 6.1 percent. The 2003 percentage was the lowest in Montana since 1993 when 13.7 percent of students carried a weapon on school property.
- 7.1 percent of the students reported they were threatened or injured with a weapon on school property in the 12 months prior to the survey. This was less than the national average of 9.2 percent.
- 10.3 percent of the students were in a physical fight on school property one or more times in the 12 months prior to the survey, which was less than the national average of 12.8 percent. The 2003 percentage was the lowest in Montana since 1993 when 17.2 percent of students reported they were in a physical fight on school property.
- 3.4 percent of the students reported that they did not go to school on one or more days in the 30 days prior to the survey because they felt unsafe at school or on their way to or from school. This is less than the national average of 5.4 percent.
- 28.9 percent of the students reported that they had their property (books, clothing, car, etc.) damaged or stolen on school property during the 12 months prior to the survey. This was slightly less than the national average of 29.8 percent.

An indicator of schools' efforts to recognize and curb disruptive behavior in schools is found in the school discipline report.² This report includes out-of-school suspension and expulsion data for a variety of offenses. Offenses associated with bullying, intimidation and harassment are:

<i>Number of Out-of-School Suspensions or Expulsions (of at least one day in duration) for...</i>	2003	2004
Weapons violations (gun, knife, other weapons)	238	250
Fighting (aggravated assault, physical altercation)	2679	2248
Threats, intimidation or harassment of others	1333	1038

Note: Within each of the categories is an unduplicated count of out-of-school suspensions and expulsions; however, a single suspension or expulsion could be reported under more than one category. Additionally, a single student could account for multiple suspensions.

While it is uncertain how many Montana school districts have a policy that prohibits bullying, intimidation and harassment, the 2004 School Health Profiles Survey³ found that only 56 percent of schools reported that they have a program to prevent bullying. The survey also found that while only 52 percent of teachers had received training or other education on preventing violence such as bullying or fighting, that 89 percent of teachers had tried to increase student knowledge and awareness on these same topics.

Issues/Discussion

General Definition

Simply put, bullying is when someone hurts or scares another person on purpose. Bullying, intimidation and harassment are aggressive behaviors – words, actions or social exclusions – that intentionally hurt or harm another person. The aggressive behaviors occur repetitively and there is an imbalance of power between the perpetrator and the victim. The bully is physically, verbally or socially stronger than the victim. Bullying may be perpetrated by one person or by a group. Although both genders use physical and non-physical tactics, boys tend to bully physically while girls tend to use social exclusion and gossip as weapons.^(R2)

School Climate

Misplaced sentiment has it that being bullied is part of growing up and builds character. This unfortunate and dismissive attitude underlies a seeming acceptance of bullying and leads to more of the same harmful behavior. Many researchers now believe that effective intervention and a school climate that has clear rules and social norms against bullying can reduce and eventually eliminate this inappropriate behavior. A clearly stated and consistently enforced school policy is a highly significant factor in establishing a school climate that does not tolerate bullying, intimidation or harassment. School policy and school climate should reflect the social norms of the community; conversely, the community should inform and support school policy and school climate.

Witnessing bullying can be an experience that teaches the witness many of the same lessons that the victim learns.... lessons about power, justice, social responsibility and courage (or, sadly and more significantly, the lack of these). Passive acceptance of bullying behaviors creates a school climate that allows bullying to continue and even escalate. If teachers and other adults in the school are among the passive observers of bullying, the message is sent that bullying is condoned as a part of school life.

Legal Considerations

Bullying in any of its forms should not be ignored. Police investigations of recent shootings, suicides and other violence in schools have found that the student perpetrators had been bullied or had bullied other students. ^(R4, R5) Children who had bullied and children who had been bullied were more likely to engage in violent behaviors than were students who were not involved in bullying. ^(R4) And increasingly, schools are being sued for failing to stop harassment that they knew about or that they should have known about.

The seminal case guiding what the courts may decide about school district responsibility in bullying cases is a 1999 U.S. Supreme Court decision (*Davis v. Monroe County Board of Education*). The court held that a school board may be liable for private damages for student-on-student harassment if the school district is a recipient of federal funds and acts with indifference to known acts of harassment that interfere with the victim's access to education.

Resources for Schools

A number of resources are available to help schools in their efforts to prevent bullying, intimidation and harassment. The resources include: assistance with policy development, a variety of prevention and intervention programs that include staff training to identify and properly respond to bullying, and participation in existing state and federal programs (such as the Montana Behavioral Initiative, the Safe and Drug-Free Schools program, the AIDS Education program, the Character Education program, and the Learn and Serve program all of which are available through the Office of Public Instruction).

Fundamental Importance of School Policy

A fundamental approach to preventing bullying, intimidation and harassment in schools begins with a clearly worded, board-adopted school policy. School policy sets the stage. Adopting and enforcing school policy, training staff to identify and properly respond to all incidents of bullying, intimidation and harassment, and having a school climate in which the norm does not tolerate bullying-related behaviors combine to create a safe environment where teaching and learning are clearly seen as the focus of the school.

Sample policy is available from the Montana School Boards Association (MTSBA). The attached model policy (see Attachment 1) is one of several bullying-related policies that MTSBA can make available to school districts.

Conclusions

- Montana students carry weapons on school property, are threatened or injured on school property, and have not gone to school because they felt unsafe or threatened at school or on their way to or from school.
- Bullying, intimidation and harassment occur in Montana schools. Students have been suspended or expelled from Montana schools for violence-related behaviors.
- Passive acceptance of bullying sends the message that bullying is condoned as a part of school life.
- School districts may be sued if they do not act against student-on-student harassment.
- Clearly worded, board-adopted policy is a fundamental step toward preventing bullying, intimidation and harassment in schools.

Recommendations

The Joint Committee for Healthy Kids⁴ and the Montana Healthy Schools Network⁵ recommend the following to the Board of Public Education:

1. That the Board of Public Education require all districts to adopt and implement a bullying, intimidation and harassment prevention policy by May 2006, and that districts proactively address bullying prevention. The requirement for policy should be set in school accreditation standards via rule changes such as those suggested in Attachment 2.
2. That the Board of Public Education and the Office of Public Instruction collect data from school districts that, at a minimum, would indicate the number of districts that have a bullying, intimidation and harassment prevention policy and the number of actions taken under the policy.

Footnotes

- ¹ The Youth Risk Behavior Survey (YRBS) is an every-other-year survey conducted by the Office of Public Instruction. In Montana, the YRBS is offered to students in Grades 7-12. The survey monitors the prevalence of health risk behaviors of youth.
- ² The School Discipline Report is school-specific data on the number and types of incidents that resulted in out-of-school suspension or expulsion of a student. The data is reported by school year.
- ³ The School Health Profiles is an every-other-year survey conducted by the Office of Public Instruction. The survey is given to principals and health teachers. The survey measures health policy and program implementation in Montana schools.
- ⁴ The Joint Committee for Healthy Kids (JCHK) is comprised of school health-related staff from the Office of Public Instruction (OPI) and the Montana Department of Public Health and Human Services (DPHHS). The JCHK serves as an informal collaborative forum to improve coordinated school health services for Montana's K-12 students.
- ⁵ The Montana Healthy Schools Network is a three-member network whose function is to promote quality, well-coordinated school health programs. The member agencies are: the Montana Board of Public Education, the Montana School Boards Association, and the Montana Office of Public Instruction.

Resources

- R1 National Crime Prevention Council, "Bullying Threat" (national study press release), January 2003.
- R2 HealthinSchools.org, "Bullying: Part of Growing Up or Part of School Violence?," December 2004.
- R3 Journal of School Health, "Nature and Extent of Bullying at School," May 2003.
- R4 National Institute of Child Health and Development, "Bullies and Victims At Risk for Violence," April 2003.
- R5 Education Commission of the States, Safety-Crime-Violence Issue Site, "Bullying and Conflict Resolution," 2004.

_____ **School District**

STUDENTS

3226
(Alternate 1)

Hazing/Harassment/Intimidation/Bullying/Menacing

The Board will strive to provide a positive and productive learning and working environment. Hazing, harassment, intimidation, menacing, or bullying by students, staff, or third parties is strictly prohibited and shall not be tolerated.

Students whose behavior is found to be in violation of this policy will be subject to discipline up to and including expulsion. Staff whose behavior is found to be in violation of this policy will be subject to discipline up to and including dismissal. Third parties whose behavior is found to be in violation of this policy shall be subject to appropriate sanctions as determined and imposed by the Superintendent or the Board.

Individuals may also be referred to law enforcement officials.

The Superintendent is directed to develop administrative regulations to implement this policy. Regulations shall include descriptions of prohibited conduct and reporting and investigative procedures, as needed, and provisions to ensure notice of this policy is provided to students, staff, and third parties.

Policy History:

Adopted on:

Revised on:

Changes to Accreditation Standards

To place the requirement for a school policy to prevent bullying, intimidation and harassment in administrative rule, the Montana School Accreditation Standards and Procedures should be amended as follows:

ARM 10.55.701 – Board of Trustees, subsection (3)

Insert a new item (g) which should read: “(g) a policy that is designed to prevent bullying, intimidation, and harassment;” and then re-number the remaining existing items g through n as items h through o.

ARM 10.55.801 – School Climate, subsection (1)(d)

Insert new wording and changes as indicated by the strikethrough and underline

“The board of trustees shall:....(d) develop policies, procedures and rules that respect the rights of all learners ~~and~~ promote an awareness of and concern for the well-being of others, and prevent bullying, intimidation and harassment;”

ARM 10.55.1003 – Program Foundation Standards, subsection (1)(a)(iii)

Insert new wording after the existing wording “... safe and supportive learning and working environments” that says: “, including environments free from bullying, intimidation and harassment;”

NOTE: The complete texts of these rules *as modified by the above-suggested changes* are being provided to the Board of Public Education as a separate handout. By seeing the proposed changes within the context of the complete rule, the BPE can more readily assess the appropriateness of the proposed changes.