AN ANALYSIS OF BULLYING LEGISLATION
AMONG THE VARIOUS STATES

ABBY JANE SWANSON HALLFORD

Bachelor of Science in Communications
The University of Tulsa
Tulsa, OK
1979

Master of Arts in Education
The University of Tulsa
Tulsa, OK
2002

Submitted to the Faculty of the
Graduate College of
Oklahoma State University
in partial fulfillment of
the requirements for
the Degree of
DOCTOR OF EDUCATION
December, 2009
AN ANALYSIS OF BULLYING LEGISLATION
AMONG THE VARIOUS STATES

Dissertation Approved:

Dr. A. Kenneth Stern
Dissertation Chair

Dr. Bernita Krumm

Dr. Judith Mathers
Dissertation Advisor

Dr. David Neal

Dr. A. Gordon Emslie
Dean of the Graduate College
ACKNOWLEDGMENTS

I would like to thank my dissertation committee members for their support of this project. This project would not have been completed without the support and assistance of my mentors and advisors, Dr. Judith Mathers, to whom I owe a debt of gratitude, Dr. Ken Stern, Dr. Dave Neal, and Dr. Bernita Krumm. I would also like to thank my family, especially my husband John, who sacrificed time with me so that I could pursue my dreams, and my sister, Ivy Razmus, for serving as an editor throughout my journey.
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. INTRODUCTION</td>
<td>..........................................................1</td>
</tr>
<tr>
<td>Purpose of Study</td>
<td>.........................................................3</td>
</tr>
<tr>
<td>Research Questions</td>
<td>.............................................................4</td>
</tr>
<tr>
<td>Significance of the Study</td>
<td>..........................................................4</td>
</tr>
<tr>
<td>Scope of Study</td>
<td>.........................................................4</td>
</tr>
<tr>
<td>Theory</td>
<td>............................................................5</td>
</tr>
<tr>
<td>Definition of Terms</td>
<td>.........................................................7</td>
</tr>
<tr>
<td>Delimitations and Limitations</td>
<td>.........................................................8</td>
</tr>
<tr>
<td>II. REVIEW OF LITERATURE</td>
<td>..........................................................10</td>
</tr>
<tr>
<td>Research on Bullying:</td>
<td>..........................................................11</td>
</tr>
<tr>
<td>Race, Gender, Socioeconomics, and Demographics</td>
<td>..........................................................12</td>
</tr>
<tr>
<td>Empathy for the Victim</td>
<td>..........................................................14</td>
</tr>
<tr>
<td>Bullying Interferes with the Purpose of Education</td>
<td>..........................................................15</td>
</tr>
<tr>
<td>Preventing Bullying</td>
<td>..........................................................16</td>
</tr>
<tr>
<td>State Legislation</td>
<td>..........................................................16</td>
</tr>
<tr>
<td>Dounay Criteria</td>
<td>..........................................................17</td>
</tr>
<tr>
<td>Federal Legislations</td>
<td>..........................................................18</td>
</tr>
<tr>
<td>III. METHODOLOGY</td>
<td>..........................................................21</td>
</tr>
<tr>
<td>Purpose</td>
<td>..........................................................21</td>
</tr>
<tr>
<td>Research Design</td>
<td>..........................................................21</td>
</tr>
<tr>
<td>Researcher’s Role</td>
<td>..........................................................23</td>
</tr>
<tr>
<td>Data Collection</td>
<td>..........................................................24</td>
</tr>
<tr>
<td>Data Analysis</td>
<td>..........................................................28</td>
</tr>
<tr>
<td>IV. FINDINGS</td>
<td>..........................................................31</td>
</tr>
<tr>
<td>Comparison of State Legislation</td>
<td>..........................................................31</td>
</tr>
<tr>
<td>Dounay Criteria</td>
<td>..........................................................33</td>
</tr>
<tr>
<td>Parent and Community Involvement</td>
<td>..........................................................36</td>
</tr>
<tr>
<td>Student Services</td>
<td>..........................................................37</td>
</tr>
<tr>
<td>Section</td>
<td>Page</td>
</tr>
<tr>
<td>---------------------------------</td>
<td>------</td>
</tr>
<tr>
<td>Discipline Data</td>
<td>79</td>
</tr>
<tr>
<td>Persistently Dangerous Schools</td>
<td>82</td>
</tr>
<tr>
<td>Theory</td>
<td>83</td>
</tr>
<tr>
<td>Limitations</td>
<td>83</td>
</tr>
<tr>
<td>Conclusion</td>
<td>84</td>
</tr>
</tbody>
</table>

REFERENCES ................................................................. 86

APPENDICES ................................................................. 100
# LIST OF TABLES

<table>
<thead>
<tr>
<th>Table</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Victim Reports of Bullying</td>
<td>2</td>
</tr>
<tr>
<td>2 Federal Laws Related to School Safety</td>
<td>18</td>
</tr>
<tr>
<td>3 Data Plan by Research Question</td>
<td>22</td>
</tr>
<tr>
<td>4 Reported Incidents by Year and Type</td>
<td>42</td>
</tr>
<tr>
<td>5 State Bullying Prevention Laws Passed by Year</td>
<td>44</td>
</tr>
<tr>
<td>4 Schools Identified as Persistently Dangerous</td>
<td>55</td>
</tr>
</tbody>
</table>
# LIST OF FIGURES

<table>
<thead>
<tr>
<th>Figure</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Black Box Theory</td>
<td>6</td>
</tr>
<tr>
<td>2</td>
<td>States with Dounay Model Criteria</td>
<td>33</td>
</tr>
<tr>
<td>3</td>
<td>Discipline Incident Data Collection</td>
<td>43</td>
</tr>
<tr>
<td>4</td>
<td>Map of Bullying Laws by Year of Enactment</td>
<td>46</td>
</tr>
</tbody>
</table>
CHAPTER I

Introduction

All human beings have a basic need to be and feel safe. Safety includes the need for security, protection, stability, and freedom from fear or constant anxiety. In the hierarchical structure of learning, safety needs must be met before self actualization may take place (Harper, Harper & Stills, 2003; Maslow, 1968; Weinberg, 1977). The nation’s schools should be safe havens for teaching and learning, free of crime and violence. Any instance of crime or violence in the schools not only affects the individuals involved, but also may disrupt the educational process, affecting bystanders, the school itself, and the surrounding community (Henry, 2000).

Bullying is the most prevalent form of school violence today (Orpinas & Horne, 2006). During the 1999-2000 school year, 29% of schools reported more difficulty with student bullying than with any other single discipline problem (NCES, 2003). Experts attribute bullying to increased incidences of interpersonal violence, including school shootings. Bullying interventions have been implemented in several other countries because of researched positive effects (Vreeman & Carroll, 2007). There are surprisingly similar developments moving toward evidence based decision making regarding programs to prevent violence (Junger, et al, 2007).

Table 1 below presents data on bullying collected by The National Center for Education Statistics (NCES) Report (2005).
Table 1

**Victim reports of bullying**

<table>
<thead>
<tr>
<th>Types of incidences and frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reported bullying happened once or twice in the previous six months</td>
<td>28</td>
</tr>
<tr>
<td>Reported bullying once or twice a month</td>
<td>25</td>
</tr>
<tr>
<td>Reported bullying once or twice a week</td>
<td>11</td>
</tr>
<tr>
<td>Reported bullying daily</td>
<td>8</td>
</tr>
<tr>
<td>Sustained an injury that involved pushing, shoving, tripping, or spitting in the last six months</td>
<td>24</td>
</tr>
<tr>
<td>Sustained an injury in the last six months and are afraid of being attacked or harmed at school</td>
<td>24</td>
</tr>
</tbody>
</table>

The information in Table I is based on the reports of the 28% of students who reported being bullied in the NCES study. Results indicate that 28% of students between the ages of 12 and 18 years reported being bullied at school during the 2005-2006 academic year.

Incidents of bullying may sometimes result in death. NCES (2005) reported that fatal victimization translates to one homicide for every two million students. The highest number of fatalities reported was in the 2003-2004 school year. Of the 95,726 public schools in the United States, 28 reported victim associated deaths (fatal victimization) that included 21 homicides and 7 suicides (NCES, 2007b). Some of these incidents are believed to be connected to bullying. Bullying by students on school grounds was most recently in the national spotlight when the shooters of the highly publicized school
shootings of the 1990s were reported to be the victims of bullies at the school (Dounay, 2005).

Research on bullying and the resulting prevention programs originated in Norway after it was determined that a rash of adolescent suicides was the result of victimization from bullying. Olweus (2003), a leader in bullying research, viewed the phenomenon of bullying in the context of human rights. He argued that it is a fundamental human right for a student to feel safe in school and to be spared the repeated humiliation implied in bullying. In the mid-1990s, these arguments led the Swedish and Norwegian parliaments to enact legislation against bullying. Norway’s national initiative was a breakthrough for long term systematic, research-based work on bully/victim problems in schools (Olweus, 1995).

Laws focused on bullying continue to be enacted in the United States. The first state statute designed to deal with this issue was enacted in 1999 (Georgia § 20-2-751.4). By June 1, 2008, 38 states had implemented anti-bullying laws. According to NCES reports from surveys on school safety (NCES 2007a), school violence appears to be decreasing, but the NCES data are not available by state. Therefore, it remains unclear if state legislation is effective in reducing bullying behavior among children in public schools.

Purpose of the Study

The purpose of this study was to examine the existing state legislation concerning bullying in schools to determine whether the development, structure, and content of these state mandates parallel any change in reported incidents of bullying reported by public schools in each of those states.
The following research questions guided the analysis of data:

1. What comparisons are possible within the bullying legislation of those states having such legislation before June 1, 2008?

2. What changes or trends may be identified in reported incidences of bullying within those states having bullying legislation?

3. What relationships exist between bullying legislation and the reported incidences of bullying in these states?

Significance of the Study

This study proved significant in four areas. First, the results presented here contribute to the literature on school bullying. Second, an analysis may assist academics, researchers, and policy makers in further understanding of how states are addressing the problems of bullying. Third, the information presented may also provide insight to public school personnel, as well as support decision making in the selection of prevention strategies. Finally, results of this research provide additional foundation for the creation of further models and programs.

Scope of the Study

Bullying prevention laws were examined to look for comprehensiveness based on criteria established by Jennifer Dounay, a policy analyst with the Education Commission of the States (ECS). ECS is an interstate compact created in 1965 to improve public education by facilitating the exchange of information among state policymakers and education leaders. This is a nonprofit, nonpartisan organization that seeks to build partnerships, share information and promote the development of policy based on
available research and strategies. Staff directors, policy analysts and researchers work in conjunction with ECS constituents and experts in education.

Discipline data were collected from all states with bullying legislation enacted before June 1, 2008. State information regarding discipline and Safe and Drug Free Schools and Community was evaluated for changes or trends from the 1999-2000 school-year to data from the most recent available year.

It was originally proposed that the comprehensiveness and components contained in state bullying prevention laws would be analyzed along with the discipline and safe school data to see if there are any relationships. Unfortunately, the data were not useable due to severe inconsistencies in reporting, resulting in a change in methodology for this study from a concurrent mixed methods design to a qualitative design.

Theory

The Black Box Theory was used in this study as a lens for analysis. This theory is used in both philosophy and science. Sir Isaac Newton was the original proponent of behavior laws and non-explanation through “black box science.” He was a seventeenth century English scientist also known for developing the theory of gravity (Anderson, 1996).

The consensus of the Black Box Theory is that each actor knows the input and output of the other, but the internal processes that convert inputs to outputs remain obscure (Tuebner, 1983). Figure 1 below shows how the Black Box Theory may play out with school bullying legislation using anti-bullying laws as input. The desired output is decreased school violence and bullying. The processes that produce the output remain
obscure or hidden within the box, a mystery, or an ‘unknowledge’ (Ragan & Smith, 1994; Wiseman, 1991).

Figure 1. The Black Box Theory

This process may look like a linear process from input to output, but social problems such as school bullying and violence are dynamically complex issues. Most processes and experiments contain internal sources of variation (Fraser, 1968). The mathematical explanation of this theory considers the variation of the box to process the stimuli. If boxes are not the same, the outcome will probably be different for the same stimuli. The stimulus, the language of the legislation, is not the same either, contributing to different outcomes from the black box. The stimulus may be constant, nonexistent, cyclical or sporadic, factors that also influence what happens within the box as well as the outcomes.

The use of the Black Box theory has its share of critics. Karachi (1999) argues that prevention science needs to move away from a Black Box approach toward an intervention evaluation approach, because there is a need to elaborate on the mechanisms through which changes in the outcomes operate.
Although there are criticisms and limitations of the Black Box, this model illuminates and identifies a multitude of processes from various actors (legislators, state departments of education, and schools), as well as provides a starting point for further evaluation. This theory compliments naturalistic inquiry in its efforts to gather information inductively. This research may provide a foundation for future research, which could be more specific and have a narrower focus based upon the information provided by this study. Use of this theory honors not only the complexity of these issues, but also our inability to acknowledge all of the variables contributing to input, the contexts of those contributions, and how these elements combine to produce the anticipated output of reduced bullying.

The theory assumes no law of nature save the principle of antecedence which states that “the effect cannot occur before the cause.” Typically, time is the variable used in this theory (Bunge, 1963). This study identifies variables that may be sources of variation, such as school climate, school size, urban versus suburban and rural, demographics, cultural characteristics, and the manner in which discipline is addressed in the school and state.

Definition of Terms
Bullying - a person is bullied when he or she is exposed, repeatedly and over time, to negative actions on the part of one or more other persons, and he or she has difficulty defending himself or herself (Olweus, 2003)

Harassment - Harassment is unwelcome conduct that is based on race, color, sex, religion, national origin, disability, and/or age. Harassment becomes unlawful where 1) enduring the offensive conduct becomes a condition of continued
employment, or 2) the conduct is severe or pervasive enough to create a work
environment that a reasonable person would consider intimidating, hostile, or
abusive (United States Equal Opportunity Employment Commission, 2009)

Sexual harassment - unsolicited, offensive behavior, either verbal or nonverbal that
inappropriately asserts sexuality over another person (NCES, 2008)

Intimidation - To frighten, compel, or deter by actual or implied threats. It includes
bullying and sexual harassment (NCES, 2008)

Violence - includes rape, sexual battery other than rape, physical attacks or fights with or
without a weapon, threats of physical attack with or without a weapon, and
robbery with or without a weapon (NCES, 2008)

Delimitations and Limitations

State discipline and Safe and Drug Free School data were collected from available
sources via the internet, personal contact by phone and email, as well as by U.S. mail. In
its present form, the data do not provide consistent information that would allow data
analysis to prove or disprove any relationships between bullying prevention statutes and
discipline incidents, nor do they reveal what is actually going on since new discipline
data reporting requirements present themselves differently every year in states,
preventing any comparison between years or states.

Students need to feel safe in the learning environment. Bullying in schools has
been identified as one of the most common forms of school violence today. It has been
attributed to the rash of school shootings that have occurred in recent years, as well as
having detrimental effects on students’ psychological and social well being. Several
states have enacted bullying prevention legislation as a result. Bullying research is
relatively new in the social sciences, and it is not known what type of evidence-based interventions are the best. Examples of interventions may be bullying prevention legislation, school wide violence prevention programs, and individual counseling. The following chapter provides an overview of the substance of the research on the subject of bullying and school violence.
CHAPTER II
Review of Literature

As a phenomenon, bullying in schools has existed for as long as schools have been providing education (Growing Well, 2002). Overlooked until 1983, it has now become a focus for policy makers and educators in an effort to create safer school environments (Olweus, 2003). School bullying is undoubtedly caused by a variety of factors, including individual, social, cultural, and organization aspects (O’Moore & Minton, 2005). What causes young people to react with negative emotion and antisocial behavior? Many factors underlie violent behavior in schools: easy access to guns, violent movies and video games, poor or destructive parenting, social upheaval in schools, minority status, and violence in the home. All are potential “enablers” of violent behavior (Education Commission of the States, 1999).

School violence, as a topic of scientific inquiry, has also matured into a recognized field of study (Furlong, Morrison, Cornell, & Skiba, 2004). One of the national education goals (Goal 7) sponsored by the U.S. Congress is to eliminate violence from American schools (National Education Goals Panel, 1999). A decade ago, school violence was viewed as a pressing national problem by the popular media and the American public as well as by state and federal governments (Elam and Rose, 1996). Unsafe schools and youth violence negatively affects educational growth and the ability to sustain an educated, qualified workforce and candidate pool (Trump, 2007).
Research on school bullying began in Scandinavia, but is now international (Smith-Heavenrich, 2001). In 1983, three adolescent boys in northern Norway committed suicide, most likely as a consequence of severe bullying by peers (Hartelt, 2001). As a result, a national initiative in Norway against bullying ensued. Until the early 1990s, there was very little attention and research on the topic of bullying outside of Scandinavia. However, findings suggest that bullying in school is remarkably common. Over half of the students have been victimized at least once (Baldry & Farrington, 1999).

Research has produced a vast array of statistics that vary based upon the research problem, the definition of bullying, methodology, and interpretation. The research surrounding bullying includes, but is not limited to: physical strength, individual personality characteristics, environment, gender, socioeconomic factors, race, rural versus urban environments, sexual orientation, empathy, family communication and behavior, bystander involvement; and school climate or environment (Espelage & Swearer, 2003; Loeber et al., 2005; Peskin, Tortolero & Markham, 2006).

The accumulated research evidence indicates that personality characteristics or typical reaction patterns in combination with physical strength or weakness in the case of boys are significant in the development of bullying problems in individual students (Anagnostopoulos, Buchanan, Pereira & Lichty, 2009). At the same time, environmental factors such as attitudes, behavior, and routines of relevant adults, especially teachers and principals, play a critical role in determining the extent to which bullying problems will manifest themselves in a larger unit, such as a classroom or school (Bradshaw, Sawyer &
O’Brennan, 2009). Thus, the main causes of bully/victim problems are on two different levels: individual and environmental (Olweus, 2003).

Some studies on bullying ask students to self report if they are victims of bullying. Dulmus, Theriot, Sowers, and Blackburn (2004) found that those who self report as victims, compared to the students who met the victim criteria but did not self report, were the victims of more specific types of bullying, more total bullying behaviors, and more frequent bullying than their non-labeled counterparts. The most common type of bullying experienced by self-labeled victims is being called names, being made fun of, or teased. The most common form of bullying for non-labeled victims is being the subject of lies or false rumors.

Race, Gender, Socioeconomics, and Demographics

Empirical evidence appears inconsistent concerning gender, race, demographics, socioeconomic variables, and bullying. Regarding gender, the majority of studies find males more likely to be involved in physical bullying (see Peskin, Tortolero & Markham, 2006), and also more likely to be involved in frequent bullying than females (Boulton, 1996; Joliffe & Farrington, 2006). However, the vast majority of the individual types of bullying and victimization did not vary by gender in a sample of racial ethnic minority youth (Peskin, Tortolero & Markham, p. 476; Prinstein et al., 2001).

A relationship exists between bullying and harassment of individuals with alternative sexual preference lifestyles. Lesbian, gay, bisexual, and transgender youth may experience gender-based and sexualized forms of violence and harassment in school, termed as heterosexism (Pollack, 1995). Pollack explained that this term describes the belief that heterosexuality is superior to other forms of sexuality, which may form the
basis for the destructive behavior. Although many people may share this belief, not everyone acts out aggressively, as in bullying behavior or harassment. Effeminate males and masculine females are also among the most marginalized and harassed in high school. This is also known as social homophobia, which may fuel aggression against these students (Lock, 2002).

Socioeconomic and racial variables were also studied to determine if these factors contribute to the bullying phenomena. Peskin, Tortolero, and Markham’s study (2006) provides evidence that bullying and victimization are prevalent among urban, low socioeconomic, African-American and Hispanic middle and high school youth. Spriggs, Iannotti, Nansel & Hayne (2007) compared African-Americans, Caucasians, and Hispanics, and found African-Americans to have a significantly lower prevalence of victimization than Caucasian and Hispanic students. They found bullying behaviors consistently related to peer relationships across African-American, Caucasian, and Hispanic adolescents.

Violence exposure among low socioeconomic and rural youths (Kosciw, Greytak & Diaz, 2009; Carlson, 2006)) is a significant public health problem. In an Ohio study, results indicated that higher levels of poverty were significantly related to higher levels of direct exposure to violence in school, and also to dissociation, damaging property of others, and some measures of proneness to violence (Carlson, 2006).

The literature provides evidence for a connection between family environment and bullying behaviors (Espelage & Swearer, 2003). Poor family function, particularly domestic violence, may promote bullying as well (Rigby, 1996). Domestic violence is relevant in explaining aggressive behavior among children as a learned behavior (Jaffe,
Violence within the family can have detrimental effects on a child’s behavior, and exposure to interparental violence is associated with bullying and victimization at school. Baldry (2003) suggested that schools can play a fundamental role in the early detection of maladjustment.

Predictors of violence include risk factors in the domains of child, family, school, and demographic characteristics. In a longitudinal, multiple cohort study of the development of delinquent boys, those with four or more of the risk factors were six times more likely to later commit violence than were boys with fewer than four risk factors. Risk factors found to predict violence in adolescent males are: low socio-economic status, bad neighborhood, low school motivation, truancy, high parental stress, delinquency before the age of 10, cruelty to people, depressed mood, physical aggression, and callous or unemotional (Loeber et al., 2005). Anger is found to be positively correlated with students’ experiences with school violence. The more the anger increased, the more students’ experiences with school violence increased (Wallace, 2001).

Empathy for the Victim

An inverse relationship exists between empathy and bullying, although a recent study found that the relationship between low empathy and bullying behavior was reduced after controlling for intelligence and socio-economic status (Joliffe & Farrington, 2006). The relationship between low empathy and offending may be caused by variables already known to influence offending such as anti-social behavior and the inability of the bully to read the negative reactions of peers (Joliffe & Farrington, 2006). Joliffe and Farrington (2006) also suggest that if low empathy is proven to have a causal effect on
bullying, then anti-bullying programs and empathy enhancement may be beneficial to those found to have low empathy.

Bystanders play a substantial role in bullying situations. In a study of bystanders in a bullying situation, nearly 60 percent of the supposedly neutral students were on friendly terms with the bullies (Craig, Pepler, & Atlas, 2000). Almost half of the “uninvolved” observers eventually graduated to jeering the victims and “egging on” their perpetrators. Bystanders may watch, instigate an incident, support it, or may join in, and thus, model aggressive behaviors for others. Unfortunately, results of other studies also demonstrate that, in the end, a large majority of students go along with the bullies or become perpetrators themselves (Schaefer, 2007). The actions of bystanders may be important for successful intervention (Whitney & Smith, 1993).

Bullying Interferes with Schooling

Learning is a necessary and universal aspect of developing culturally organized, specifically human, psychological functions (Vygotsky, 1978). This is important because the fear of being ridiculed, harassed, threatened, or ostracized at school interferes with a student’s ability to learn (U.S. Department of Education, 2002). The most prevalent form of low level violence in schools today is bullying (Whitted & Dupper, 2005). Not only does bullying have a significant negative affect on victims, it is now recognized as a common form of victimization on American school campuses and is a significant safety problem in American schools (Arsenault, 2002; Nansel et al., 2001).

The victims of bullying often report risk factors resulting from internalizing their difficulties resulting in problems with anxiety, depression, and self-esteem (Craig, Pepler, & Atlas, 2000; Grills & Ollendick, 2002). Bullies and bully-victims reported lower self-
esteem and a higher level of depression than did uninvolved students (Marini, Dane, Bosacki, & Ylc-Cura, 2006). Youth with multiple victimization experiences emerged as the group with the most significant psychological and academic problems, adding to previous literature showing greater maladjustment among youth who incurred more than one type of victimization (Appleyard, Egeland, van Dulmen, & Sroufe, 2005).

Preventing Bullying

An important step to preventing bullying is to change the climate of the school so that victims of bullying can self disclose with trust and confidence. In a safe school climate, peers as well as teachers who witness a bullying episode feel empowered to act helpfully (Kanetsuna, Smith, & Morita, 2006). Relatively few schools are implementing strategies known to be important for preventing violence (Elias, 2009).

The method of bullying prevention in schools can take on many forms: community bullying task forces, individual counseling, discipline intervention, bullying and violence prevention programs, clearly stated rules prohibiting bullying in student handbooks and community communication, and professional development (Stevens, De Bourdeaudhuij & Van Oost, 2001). Other aspects being explored are how the decisions are made to initiate a policy or program to improve school safety and who is involved in the decision making and planning (Phillips, 2009). In the past 10 years bullying research has grown in the area of bullying prevention program evaluation.

State Legislation

Furlong, Morrison, and Greif (2003) studied school violence and state legislation, and found that states that have experienced notable school shooting incidents are more likely to have formal school bullying laws than other states. A report published by the
U.S. Secret Service (2002) found that many perpetrators of school shootings reported being bullied, persecuted, or injured by others prior to the attack. This may have contributed to the growth of bullying prevention legislation by states. The enactment of legislation indicates that bullying is a serious form of aggression, worthy of increased attention, and is a necessary first step in awareness about the importance of preventing bullying (Furlong, Morrison, & Greif, 2003).

School safety, and to a lesser extent, bullying, are major issues in school law. Many attorneys are actively working with schools to take preventative measures to eliminate bullying and to determine ways to assist students who find themselves victims of bullying (Lore, 2005).

Dounay Criteria

Anti-bullying legislation varies considerably in content and approaches, but generally includes one or more of the following components: a definition of bullying, state level support, local board requirements, student services, school interventions, curriculum directed at anti-bullying and character education, reporting requirements, and students’ rights and sanctions (Dounay, 2005) Comprehensive state anti-bullying legislation includes the following components:

1. Defines bullying either statewide or local;
2. Prohibits bullying by students;
3. Informs students and others of anti-bullying policy;
4. Enables students and parents to report bullying incidents;
5. Requires teachers and school staff to report bullying incidents;
6. Provides immunity to those reporting bullying incidents and protection from
reprisal, retaliation or false accusation against victims, witnesses or others with information regarding a bullying incident;

7. Requires administrators to investigate reported incidents; and

8. Encourages or requires bullying prevention education in schools (Dounay, 2005).

Many factors contribute to the problem of bullying in public schools today (Bradshaw, Sawyer & O’Brennan, 2009), and research focus on this area of victimization has developed in the past 30 years (Finkelhor, Ormrod & Turner, 2009). This framework developed by Dounay (2005) was used to analyze state bullying legislation and is referred to as the Dounay Criteria (see Appendix A).

Federal Legislation

No federal law exists that specifically prohibits bullying in public schools. However, federal laws that were enacted to create safer schools and to improve educational outcomes as they related to schools, systems and school boards, students rights and movements (hg.org, 2009) do exist. This list is not exclusive, but highlights those laws closely associated with bullying prevention: Gun Free Schools Act (GFSA, 2001), No Child Left Behind Act (NCLB, 2001), Clery Act (1990), Individuals with Disabilities Education Improvement Act (IDEA, 2004), Freedom of Information Act (1966), Family Education Rights and Privacy Act (FERPA, 1974), and the Civil Rights Act (1964). Table 2 presents the purpose of these laws as well any reporting requirements associated with it.
Table 2

*Federal laws related to school safety*

<table>
<thead>
<tr>
<th>Law</th>
<th>Purpose</th>
<th>Reporting Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Family Education Rights and Privacy Act (1974)</td>
<td>Protect the individual privacy rights of all students</td>
<td>None</td>
</tr>
<tr>
<td>Gun Free Schools Act (2001)</td>
<td>Remove firearms from all public schools in the United States by requiring school districts that receive federal funds to adopt a gun-free school policy</td>
<td>Number of students expelled for bringing firearms to school, both expulsions lasting one year and shortened expulsions, and the number of students who were expelled for weapons violations but were referred to alternative settings. Expulsion data must be sorted by type of firearm and educational level.</td>
</tr>
<tr>
<td>Individuals with Disabilities Education Improvement Act (2004)</td>
<td>Students with disabilities must have a free appropriate public education</td>
<td>State report the services and outcomes for students with disabilities</td>
</tr>
<tr>
<td>Freedom of Information Act (1966)</td>
<td>Ensuring public access to U.S. government records</td>
<td>No reporting requirements</td>
</tr>
<tr>
<td>Civil Rights Act (1964)</td>
<td>Forbids discrimination on the basis of sex and race</td>
<td>Equal Employment</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Opportunity Reports</td>
</tr>
<tr>
<td>Safe and Drug Free Schools and Communities Act, Title</td>
<td>Support programs that: (1) prevent violence in and</td>
<td>State consolidated reports regarding the use of</td>
</tr>
<tr>
<td>IV of No Child Left Behind Act (2004)</td>
<td>around schools; (2) prevent the illegal use of alcohol, tobacco, and drugs; (3) involve parents and communities; and, (4) are coordinated with related federal, state, school, and community efforts and resources to foster a safe and drug-free learning environment that promotes student academic achievement.</td>
<td>alcohol; illicit drugs; violent incident without injury; and violent incident with injury on school campuses</td>
</tr>
<tr>
<td>Clery Act (1990) (originally known as the “Crime Awareness and Campus Security Act” of 1990)</td>
<td>Inform the public of the incidents of crime in and around higher education institutions</td>
<td>Incidents of crime for the campus and certain public property areas must be disclosed to the government and the public for the most recent three calendar years.</td>
</tr>
</tbody>
</table>
CHAPTER III

Methodology

The purpose of this study was to examine existing state legislation concerning bullying in schools to determine whether the development, structure, and content of these state mandates parallel any changes in reported incidents of bullying reported by public schools in each of those states.

This study analyzed components contained in each law, and how bullying is monitored and reported in states. Bullying incident information was analyzed in the context of discipline data. In turn, discipline data were also evaluated to identify if or how it was used for decision making, if or how the data collection has changed since 1999, and how state discipline information is presented to the federal government and to the public.

The following research questions guided this study:

1. What comparisons are possible within the bullying legislation of the states having such legislation before June 1, 2008?

2. What changes or trends may be identified in reported incidences of bullying within those states having bullying legislation?

3. What relationships exist between state bullying legislation and the reported incidents of bullying in these states?

Research Design

This study, a constant comparative methods approach, analyzed qualitative (legislation) and quantitative (discipline data) information relating to states with bullying legislation. This methodology is preceded by rating and comparing incidents and
responses that recurred in open ended data in order to integrate them with other incidents and responses. This approach also searches for consistencies, discrepancies, anomalies, and negative cases. Through this process, a conceptual frame takes shape as patterns and themes emerge and are identified (Glaser, 1965; McCall & Simmons, 1969). Qualitative methods are particularly well suited for domains when large, standardized data sets are not available, or about which there is little prior knowledge, or in which change is so rapid that, in effect, prior knowledge is limited (Collier, 2005). This is a descriptive and qualitative report of states’ bullying laws and their methods of collecting discipline data, including bullying from school districts. This research involved a comprehensive search of discipline categories, data, and reports. This qualitative inquiry is most appropriate for presenting findings of quality and depth, as well as yielding valuable explanations of processes (Marshall & Rossman, 2006).

Table 3 shows the general plan for data analysis, organized by the research questions.

Table 3

<table>
<thead>
<tr>
<th>Data Analysis Plan by Research Question</th>
</tr>
</thead>
<tbody>
<tr>
<td>Research Question</td>
</tr>
<tr>
<td>1. What comparisons are possible within the bullying legislation of those states having such legislation before June 1, 2008?</td>
</tr>
</tbody>
</table>
2. What changes or trends may be identified in reported incidences of bullying within those states having bullying legislation? Data were collected from each state with bullying laws enacted from 1999-June 1, 2008. Each category collected was entered into a database by state with the number of incidences for each year. Differences and omissions of categories were noted. Increases and decreases within categories, as well as changes in categories were also noted.

3. What relationships exist between state bullying legislation and the reported incidents of bullying in those states? The discipline data collected were analyzed based on the year of enactment of corresponding statutes for each state.

The Researcher’s Role

My role as a researcher was to explore the problem of bullying by using a process of discovery to present a picture of what states are doing to prevent bullying in public schools. The goal was to discover patterns or themes that emerged after the collection and analysis of state bullying prevention statutes and discipline data.

Certain characteristics make humans the “instrument of choice” for naturalistic inquiry for several reasons. One of those factors is the ability to process vast amounts of data. The constant comparative method provided a framework for analysis of this data and information. This process also provided opportunities for closer examination of atypical or unexpected responses (Lincoln & Guba, 1985).
I am a school counselor. Many of the qualitative researcher characteristics match the qualities of a school counselor. My professional duties involve skills at the level appropriate for naturalistic inquiry. This method presented itself to me in direct response to the research questions of this study.

As a school counselor, I help students involved in bullying situations on a daily basis. I employ several strategies to educate students about bullying, and to address bullying issues when they arise. I work in Oklahoma, a state with bullying prevention legislation. I have a natural curiosity about whether the law is effective and how other states are handling the problem. I work in an educational setting that is a model program for bullying prevention. My school utilizes several strategies in a whole school approach: prevention programs, counseling interventions, community decision making in safety policy, and consequences for bullying behaviors. Discipline incidents have decreased over the past five years as a result of this proactive safe school strategy.

I have also had a personal experience as a victim of bullying. There were no consequences for the bully. The event was so traumatic, that I left the school and enrolled in another school the following academic year, along with my siblings. This may contribute to any bias that may arise within the analysis.

I am also cynical regarding the use of legislation to accomplish school improvement. This strategy is in conflict with my view of the best practices for reducing school violence and bullying and may also have biased the study.

Data Collection

I collected two types of data in this study: The first type was the state statutes concerning bullying legislation in public schools. The second type was incidences of
school violence reported by the state departments of education within those states. The
total text of the state’s bullying legislation was retrieved from states enacted bullying
statutes on or before June 1, 2008. Discipline data were gathered from the departments of
education of states with bullying legislation for the years 1999 to 2007, and from the U.S.
Department of Education.

*State Bullying Statutes*

I searched state legislative and department of education websites for bullying
prevention statutes. The full text of each of these statutes was downloaded and saved to a
computer file, and then were analyzed according to the components of the Dounay
Criteria. The year of enactment and whether there was a school shooting were also used
as criteria in this part of the analysis.

I categorized each bullying statute by state and numerically coded them. The
value of one was given to those states with a Dounay criterion, and zero was assigned to
states lacking that component. Numerical values were assigned to year of enactment, the
year 2000 and before states were assigned a one, the years 2001 to 2004 were given the
value of two, and states enacting laws after 2004 were represented by the number three.
These year spans were chosen based upon the cyclical nature of state bullying law
enactment. There are two surges in legislation within these time frames that naturally
provide gaps to separate the states by enactment year.

The numerical coding enabled a statistical analysis of textual data. An ANOVA
was run to ascertain if any changes or trends existed within the data, or any relationship
between the Dounay criteria, comprehensiveness, year of enactment, and/or school
shootings in the state.
State Discipline Data

Discipline data for the years 1999-2007 were gathered from the State Departments of Education (SDE) of the 38 states having bullying statutes. When discipline data was not found on SDE websites, the information was requested by phone, email, fax, or U.S. mail from each state site.

This information is typically available through freedom of information legislation. The federal Freedom of Information Act (FOIA) (1966) opened the door for access to information related to the federal government. Many states have their own freedom-of-information laws modeled to various degrees after the federal law (PBS, 2009). These laws require that information such as school discipline data be available to the public upon request.

The information received was categorized by type of incident and year to gain a better picture of the evolution of discipline data collection. Data included the number and types of incidents committed at each school site for disciplinary action. These incidents may or may not have resulted in suspension and/or expulsion.

Data were entered into a database for further statistical analysis. Data not considered comparable were stored separately, to be analyzed on a state-by-state basis. Violence data was organized into discipline categories. The purpose of handling these data in this manner was so that the data could be statistically analyzed for changes and or trends. The data were then integrated and compared to find any correlations and/or trends within the combined sets.

The state statutes, categorized according to the Dounay Criteria, were evaluated noting the year of enactment, whether a major of a school shooting incident had occurred
in the state, and the percentage of gun violations per thousand for each state. The year of enactment was broken down into three categories: states with laws since or before 2000; states with laws enacted 2001-2004; and states with laws after 2004.

*Federal Discipline Data*

Discipline data were collected from the United States Department of Education (USDOE). Three offices of the USDOE require incident data to be submitted annually: 1) Office for Civil Rights (OCR); 2) Office of Special Education Programs (OSEP); and the 3) Safe and Drug-Free Schools Program (SDFSCA). States are required to collect some form of discipline data annually, but the information required by these three federal offices is different (see Table 2, p.19).

Discipline incident information is also required of states in the Safe Schools section of NCLB. Four categories of information are required: 1) alcohol; 2) illicit drugs; 3) violent incident without injury; and, 4) violent incident with injury. The violent incidences with and violent incidences without injury categories have recently changed, creating an obstacle for comparison with data from previous years; consequently, not all states were able to provide this information in the most recent report. Therefore, these data were not used for analysis.

States report data to SDFSCA in the following manner: a series of questions is asked for each educational level: 1) how many incidents occurred on school property; 2) how many victims were involved by type of victim (e.g., student, school personnel, non-school personnel); 3) how many offenders were involved in those incidents by type of offender; and 4) how many incidents were weapons-related (NCES, 2008).
The Gun-Free Schools Act (GFSA), now included in Title IV of NCLB, requires states to submit data on firearm-related incidents in schools (GFSA, 2001): 1) the number of students expelled for bringing firearms to school, both expulsions lasting one year and shortened expulsions, and 2) the number of students who were expelled for weapons violations but were referred to alternative settings. Expulsion data must be sorted by type of firearm and educational level. GFSA data were used in this study instead of Safe and Drug Free Schools and Communities Act (SDFSCA) data, included in Title IV of NCLB, for this reason.

GFSA data for the year of 2003-2004 were used for analysis because the report provided consistent and comparable data across states for expulsions related to gun possession (GFSA, 2007). States are required to report information about the implementation of the Act annually to the Gun Free Schools Office within the U.S. Department of Education (USDOE). Weapons incidents in public schools are reported to the USDOE by all states. Included must be: 1) description of the circumstances; 2) name of the school concerned; 3) number of students expelled from the school; and, 4) the types of weapons. These data were reviewed by the federal government for completeness, accuracy, and internal consistency before being entered into the database. Reliability or validity of data from the reports was verified with the states.

Data Analysis

A constant comparative method was used to analyze the text of the bullying legislation from those states identified as having such legislation before June 1, 2008. This method is most appropriate because it compares incidents applicable to each category, and integrates categories and their properties (Lincoln & Guba, 1985).
According to Goetz and LeCompte (1981) this method "combines inductive category coding with a simultaneous comparison of all social incidents observed.” This method was used to determine how a set of statements communicates the language of the law. The language of the legislation was explored for historical context, as it relates to social change (Denzin & Lincoln, 2005).

The textual analysis of legislation involved employing the Dounay Criteria (2005) as an instrument for coding. This process involved coding of text, organizing text by code, and comparing text within codes. Information was used from the Education Commission of the States article on state anti-bullying statutes (2005), as well as facts published by Bully Police, a watchdog website concerning bullying legislation. The purpose of Bully Police is to prevent bullying in schools through education and legislation (High, 2003). Internet links to the legislation are provided by both websites (ECS and Bully Police).

Dounay (2005) outlined eight components of a comprehensive bullying law, as well as how those elements are defined (see Appendix A): Statewide or local district defines the term “bullying,” prohibits bullying by students, informs students and others of anti-bullying policies, enables students and parents to report bullying incidents, requires teachers and school staff to report bullying incidents, provides immunity to those reporting bullying incidents and protection from reprisal, retaliation or false accusation against victims, witnesses or others with information regarding a bullying incident, requires administrators to investigate reported incidents (many state policies lack this requirement), and, encourages or requires bullying prevention education in schools. If all of the components were met, the law was considered comprehensive (p. 2).
The above standards are applicable to bullying prevention legislation. The Dounay Criteria were also compared to the elements of the Safe and Drug Free Schools and Community Act (2004) to analyze both approaches to school safety.

Six other codes emerged that include 1) the year of enactment; 2) geographic location; 3) intent; 4) mandate of funding; 5) facilitation requirements; and 6) the comprehensiveness of the law. The statute was considered comprehensive if it met all of the criteria described by the Dounay (2005).

The statutes were analyzed employing a three-step method. First, the statutes were coded. Next, the statutes were evaluated individually and comparatively. The laws were appraised for content, comprehensiveness, unique attributes and omissions, as well as emerging themes, and were compared to each other by their elements. This method was employed until an explanation or description of the law was identified.
CHAPTER IV
Findings and Analysis

The purpose of this study was to examine the existing state legislation concerning bullying in schools to determine whether the development, structure, and content of these state mandates parallel any change in reported incidents of bullying reported by public schools in each of those states. The following research questions guided the analysis:

1. What comparisons are possible within the bullying legislation of those states having such legislation before June 1, 2008?
2. What changes or trends may be identified in reported incidences of bullying within those states having bullying legislation?
3. What relationships exist between bullying legislation and the reported incidents of bullying in these states?

Comparison of State Legislation

Bullying prevention statutes of 38 states were analyzed according to the components outlined by the Dounay Criteria (2005) (see Appendix A). These criteria were also used as a basis for comparing legislation among the states. Appendix B presents a comparison between the comprehensive goals of the Dounay Criteria and the Safe and Drug Free Schools and Community Act (SDFSCA) objectives. This criterion was selected as a starting point for analysis because the Education Commission of the States is a reputable resource in education policy issues. In addition to the Dounay Criteria, all of the bullying statues included general categories of intent, provisions, mandates, appropriations, and history. These elements were also compared. New categories also emerged.
Bullying prevention laws vary considerably in their content and approaches, but generally include one or more of the Dounay Criteria. The most common Dounay Criteria is the prohibition of bullying in schools. The next common criteria were how bullying was defined, if the policy informs the public, and if witnesses are encouraged or required to report incidents of bullying (79%).

In 28 states, bullying was defined in the statute. In the other 10 states, no definition was given, and no mandate was given for districts or schools to define it locally. Olweus (2003) defined bullying as “A person is bullied when he or she is exposed, repeatedly and over time, to negative actions on the part of one or more other persons, and he or she has difficulty defending himself or herself” (p. 12). States may provide a more comprehensive definition than Olweus (2003). For example, in Colorado, bullying was defined as:

Any written or verbal expression, or physical act or gesture, or a pattern thereof that is intended to cause distress upon one or more students in the school, on school grounds, in school vehicles, at a designated bus stop, or at school activities or sanctioned events. (Colorado § 22-32-109.1.X, p. 1).

Three states (Arkansas, New Jersey and Oregon) required districts to establish a definition of bullying, although both New Jersey’s and Oregon’s statutes included a definition of bullying within the provision.

All states that define bullying have a general definition that includes “written, verbal, physical act, or gesture, that is intended to cause distress upon one or more student(s),” wording generally follows that description. Distress is more commonly worded as harm or damage. Other elements contained in state definitions are: incident
occurs on school grounds or at a school function, interferes with student’s education, interferes with school operations, causes fear in student, is persistent, and uses electronic means (e.g., cyber bullying at 46%). Connecticut and Delaware had all of these components.

Cyber bullying is the most omitted item in definitions, followed by the incident occurs on school grounds and interferes with the school’s education environment (38%). Virginia’s statute mandated the State Board to define bullying in its Student Conduct Policy Guidelines, while other states did not establish state definitions or provide for local or state board definition of bullying (Dounay, 2005).

Figure 2 below represents the percentage of states with bullying prevention legislation containing each of the Dounay Criteria:

---

**Figure 2.** Percentage of Dounay Criteria in State with Bullying Prevention Legislation

To be considered comprehensive, all of the components of the Dounay Criteria must be included (Dounay, 2005). Those criteria are:
1. Defines bullying either statewide or local;

2. Prohibits bullying by students;

3. Informs students and others of anti-bullying policy;

4. Enables students and parents to report bullying incidents;

5. Requires teachers and school staff to report bullying incidents;

6. Provides immunity to those reporting bullying incidents and protection from reprisal, retaliation or false accusation against victims, witnesses or others with information regarding a bullying incident;

7. Requires administrators to investigate reported incidents; and

8. Encourages or requires bullying prevention education in schools (Dounay, 2005).

Fifteen states contain all of the components of the Dounay Criteria. The states of Alaska, Arkansas, Connecticut, Delaware, Florida, Iowa, Kentucky, New Jersey, Ohio, Oregon, South Carolina, Tennessee, Vermont, Washington and West Virginia (39% of all states with bullying legislation) have bullying statutes containing all of the required components. These states appeared to have utilized the same or similar resources in creating their statutes. For example, some version of the wording in Oklahoma’s statute (Appendix C) was used at the beginning of 17 state bullying prevention statutes:

The Legislature finds that a safe and civil environment in school is necessary for students to learn and achieve high academic standards. The Legislature finds that harassment, intimidation or bullying, like other disruptive or violent behavior, is conduct that disrupts both a student’s ability to learn and a school’s ability to educate its students in a safe, non-threatening environment. (Oklahoma 70 § 24-100.3 through § 24-100.5)
Statutes in seven states included the preceding paragraph and also the following statement: “The legislature further finds that students learn by example. The legislature charges school administrators, faculty, staff and volunteers with demonstrating appropriate behavior, treating others with civility and respect, and refusing to tolerate harassment, intimidation or bullying” (New Jersey §§1-7 - C.18A:37-13A1, p. 1). States with both paragraphs were Colorado, New Jersey, Oregon, South Carolina, Tennessee, Washington, and West Virginia. With the exception of Oregon, all of these state laws were considered comprehensive and define bullying in their statute.

All of the state statutes that contained both of the above introductory paragraphs in their statutes met the comprehensive standard according to the Dounay Criteria. It was difficult to determine which state initiated use of this particular language because these states enacted their laws within the early months of 2001: West Virginia, March; Colorado, April; Oregon, May. This was the first year that this specific introductory text was introduced in bullying prevention legislation. New Jersey and Washington followed suit the following year, Tennessee adopted the same language in 2005, and South Carolina in 2006.

Six states had the terms “harassment, intimidation, and bullying” (HIB) in their policies (Alaska 1 AZ, § 14.33.200; Arizona §15.341; Oklahoma 70 OK § 24-100.3; Oregon § 339.351; Washington 28A WA § 300.285; and West Virginia §18-2C-1). With the exception of Arizona, these states also met the comprehensive standard created by Dounay (2005).

Mississippi, New York, and Nevada did not include the word “bullying.” Mississippi’s law used only the term “harassment” (Mississippi § 37-11-20), while
Nevada’s statute states includes harassment and intimidation, but not “bullying” (Nevada 388 § 129-136). In addition to the state statute in New York, the city of New York also has a law prohibiting harassment and intimidation in school (10 NYC § 137).

Twelve states (31%) amended their bullying prevention laws since their inception to include more provisions: data collection, prevention programs, alternative education for perpetrators, teen dating violence prevention, and cyber bullying. Forty per cent of those states with comprehensive laws according to the Dounay Criteria have amended their statutes since their initial enactment.

Twenty-seven of the 38 states with bullying legislation provide support in the language for the development of a model program for districts to follow in facilitating anti-bullying efforts in schools. Typically, states would provide SDFSCA allotment money toward this school safety effort, but federal government funding to the states has decreased, putting funding for these anti-bullying instruction efforts in jeopardy.

The Dounay Criteria requires or encourages schools to include general anti-bullying instruction in the curriculum (criteria #8). Many state board of education websites have character and violence prevention resources on their websites for districts and schools to access. In Virginia, the character education program in every school must “address the inappropriateness of bullying” (Virginia 22 § 1-208.01), while in Georgia, prevention must address “methods of discouraging bullying and violent acts against fellow students” (Georgia § 20-2-751.4, p.1).

It is unclear whether any professional development for faculty and staff is included in these prevention programs, in addition to student prevention curriculum, although general bullying prevention programs are a component of the Dounay Criteria.
Over half of states, more than 60%, included a professional development provision for teachers and staff in their texts. Eighty percent of the states with this provision were also identified as comprehensive.

**Parent and Community Involvement**

Adult involvement is important for bullying prevention and should include parents, teachers, students, and community members in bullying prevention planning. Roughly 60%, encouraged parent participation in bullying prevention planning, while 80% of states with comprehensive bullying statutes encourage or require parent or community involvement in prevention planning. Eight states specifically asked for districts to form bullying prevention committees.

**Student Services**

Fifty-three percent of the states that qualified as comprehensive have mandated counseling services. The component of student services in the form of counseling appeared in 16 (42%) state bullying prevention laws. The services ranged from guidance programs to group and individual counseling. Louisiana offered classes for identified student bullies for a fee (a re-enrollment fee after taking the course) as a way to fund counseling services. Kansas and Ohio provided for victim counseling in their statutes, while other states did not specify whether counseling should be offered to victims or bullies.

**Funding**

Funding was provided for in seven state bullying prevention statutes. Forty-six percent of comprehensive states provided some form of a funding mandate for bullying prevention implementation. Some of this funding was contingent on evidence of
effectiveness for preventing drug use, violence, and disruptive behaviors (SDFSCA, 2004).

Federal funding for SDFSCA has decreased considerably from 2004 to 2006, making program development more challenging. In 2004, Congress appropriated $674.203 million for the SDFSCA (2004). In 2006, half of that amount, $317.274 million, was appropriated for the program (SDFSCA, 2006). States face the results of these decreasing funding as well as the added expense of information and data collection and reports. Connecticut developed a competitive safe learning grant program to help school districts meet various goals, including “eliminating bullying behaviors among students” (CGS § 10-263e).

Data Collection

Sixteen states (42%) required data collection on bullying. These states represented 53% of those states deemed comprehensive using the Dounay Criteria (2005). Seven (18%) states collected bullying, harassment, intimidation, or threat incidents even though they were not required by law to do so.

Cyber bullying

Eleven states (Delaware, Florida, Idaho, Indiana, Iowa, Kentucky, Maryland, Minnesota, Missouri, Nebraska, and South Carolina) now include cyber bullying as a category in their bullying definition. Cyber bullying is a new issue brought to public attention by the recent suicide of a teenager in Missouri (Blank, 2008). The Missouri law was passed in 2008 after the national outcry that followed the suicide of 13-year-old Megan Meier. Her neighbor, 49-year-old Lori Drew, is said to have impersonated a teenage boy who wooed Meier over the social networking site MySpace. This addition of
cyber bullying could require schools for the first time to investigate incidents that may be outside of the school domain.

**State Oversight**

A handful of states established requirements for the state board or department of education to facilitate anti-bullying efforts in schools. In Arkansas, the state board must review every district’s anti-bullying policies and may recommend changes or improvements (Arkansas 6-18-514, p.1). Rhode Island’s Department of Elementary and Secondary Education (Rhode Island 16 § 16-21-26), New Jersey’s State Superintendent (New Jersey §§1-7 - C.18A:37-13 to 18A:37-19) and West Virginia’s State Board (West Virginia §18-2C-1 -6) were required to develop model policies to guide districts in approving their own policies and programs.

**Changes or Trends in Bullying Incidents**

Although federal and state (bullying) legislation increased the number of discipline mandate requirements of schools, states differed on the types and categories of discipline data collected resulting in extreme inconsistency in reporting at the federal and state levels.

**Discipline Data**

Every state that enacted a bullying law from 1999 to June 1, 2008, was contacted to collect discipline data. Although states enacted bullying laws, not all laws included a provision for data collection for this bullying. Many states did not collect such data until after 2002, due to the new requirement of NCLB, and some states still do not collect bullying data. Some states reported only expulsions and suspensions for guns, drugs, alcohol, tobacco, and personal violence while other states have over used the “other”
category, throwing any discipline incidents that are not guns, drugs, alcohol, tobacco, and personal violence into this gray area. Additional data collection categories were introduced to improve and explain the level and extent of discipline problems in schools. Some states may have created new laws, such as bullying legislation, in an attempt to comply with the new reporting requirements of NCLB and SDSFCA.

The type and amount of discipline data collected continues to change annually among the states. In 2006-7 there were 83 discipline categories for which data were collected across states with bullying legislation (Appendix D). The data lacked consistency in category, definition of category, and contained ambiguities. Each state defined suspension and expulsion data differently, making it impossible to compare or draw conclusions. Even SDFSCA reports were not comparable among states, but the format of the consolidated state reports allowed each state to focus on its unique problems according to its policy and available data.

A significant increase occurred in available discipline data information on discipline data collected by states since 1999-2000. Sixteen categories of discipline were collected by seven states with bullying statutes: suspensions, expulsions, harassment, aggravated assault against teacher or staff, aggravated assault against student, simple assault, aggravated assault, intimidation, bullying/harassment of students, bullying/harassment of teachers/staff, fighting, insubordination, guns, weapons, suicides attempted, and suicides completed. Three states collected data in 1999-2000 concerning intimidation (Connecticut, 08 §160), bullying (Ohio, § 3301.22.), and harassment (Idaho, 18 § 9:18-917A). Eleven states collected bullying, intimidation, threat, and harassment
information as of 2006-07. Of these states, only the five states have comprehensive bullying statutes.

No significant changes existed in the annual reports of gun violations or personal violence between 2001 and 2004 using Gun Free Schools Act (GSFA) data (these were the most valid data available to date). These annual reports were used in this study to determine whether any changes occurred in violence in schools in states with bullying legislation. The documents provide the most consistent data on school violence for comparison in states’ reports to the federal government. The question arose: Were states’ legislative responses (creation of a bullying law) reactive responses that attempted to treat the symptom of the disease or a concerted attempt to cure the disease?

Because of the increased discipline data collected by states and the inconsistencies within the data, it was difficult to determine that bullying legislation has in any way decreased violence in schools. States currently collect data that were not collected prior to 1999-2000, making it impossible for comparison of data before and after the enactment of bullying legislation. In addition, exponential growth occurred in the types of discipline data collected, and data categories continued to change from year to year.

In an attempt to display the complexity of the data issues, Table 4 presents the data collected by states with bullying legislation during the last eight years. The categories states used are collapsed into seven main types, with the “Other” category appearing as it does in reporting states simply as “Other.” No additional categories were collapsed into this category.
Table 4

<table>
<thead>
<tr>
<th>Year</th>
<th>Bullying</th>
<th>Intimidation</th>
<th>Harassment</th>
<th>Misbehavior</th>
<th>Personal Violence</th>
<th>Sexual Offenses</th>
<th>Terrorist or Hate Crimes</th>
<th>Weapons</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>1999-2000</td>
<td>18,022</td>
<td>13,541</td>
<td>23,628</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1,324</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>2000-2001</td>
<td>49,944</td>
<td>343,837</td>
<td>126,322</td>
<td>29,517</td>
<td>2,075</td>
<td>8,855</td>
<td>517,423</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2001-2002</td>
<td>33,793</td>
<td>297,310</td>
<td>186,859</td>
<td>16,710</td>
<td>892</td>
<td>15,029</td>
<td>5,140</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2002-2003</td>
<td>90,578</td>
<td>578,306</td>
<td>297,233</td>
<td>46,324</td>
<td>1,942</td>
<td>18,609</td>
<td>683,958</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2003-2004</td>
<td>72,986</td>
<td>676,239</td>
<td>252,084</td>
<td>12,663</td>
<td>2,761</td>
<td>15,024</td>
<td>925,472</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2004-2005</td>
<td>68,075</td>
<td>609,530</td>
<td>331,277</td>
<td>8,075</td>
<td>1,157</td>
<td>19,183</td>
<td>748,244</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2005-2006</td>
<td>98,819</td>
<td>732,478</td>
<td>45,641</td>
<td>8,480</td>
<td>1,728</td>
<td>19,034</td>
<td>944,629</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2006-2007</td>
<td>123,824</td>
<td>653,155</td>
<td>536,629</td>
<td>15,480</td>
<td>1,301</td>
<td>27,489</td>
<td>946,095</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Table 4 illustrates the growth of data collection by the increase in reported incidents for these categories. Not all states collect annual data, which is why such a variation in incident reporting exists from year to year. Title IV reports have been bi-annual state reports, which may explain why there is data available for one year but not the next year. New categories were created over the course of this time period, which may be why some data categories have increased, instead of showing a trend in a particular area. Bullying data, for example, was not a discipline category by most states in 1999. As states began to monitor bullying, the data representing bullying incidents increased, not necessarily because bullying in schools increased. The “other” category
comprises the largest number of incidents for the years 2002-2007. Clearly, an improvement in category definition is needed to address these unexplained results.

Figure 3 below shows the data from Table 4 as a series of trend lines.

Figure 3. Discipline Incident Data Collected by States 1999-2007

Figure 3 clearly shows a general increase in the number of incidents reported in all of the categories. Increased legislation, requiring the reporting in these areas, provides a possible explanation for this surge in growth. However, a variance in the data is illustrated by the sharp decline in reported bullying incidents for the year 2001-2002, necessitated a reexamination of the disaggregated data and the reporting years for each state. The graph in Figure 3 represents the addition and subtraction of states reporting specific categories of discipline. States did not collect and report every year. Five states collected data for the 2000-01 and 2001-2 school years, but they were not the same states
for both years. By school year 2005-06, 11 states with bullying prevention laws collected and reported discipline data, an increase from the three states for the 1999-2000 academic year. A state with a large population and inconsistent reporting can influence the data, rendering it unstable, and, therefore, not usable for any substantive analysis. The significance of this finding is discussed later in Chapter 5.

Weapon incidents increased, but compared to the other categories, remained relatively steady over the years, and terrorism and hate crimes steadily declined since 1999. School shootings were grouped in the terrorist and hate crimes category, the graph showing a somewhat steady decline since 1999. One possible explanation is bullying legislation, but any relationship between the two is inconclusive.

Legislative Patterns

The reporting of bullying incidents increased because of state and federal reporting requirements. A relationship may exist between the requirements of NCLB, specifically Title IV, and bullying legislation year of enactment.

*Year of Enactment*

Bullying data were grouped and analyzed by state and year of enactment, states enacting bullying laws prior to 2001, between 2001-2004, after 2004, and those with no laws. Table 5 presents that analysis.
Table 5

*State Bullying Prevention Law Passage by Year*

<table>
<thead>
<tr>
<th>Year</th>
<th>2001-2004</th>
<th>2005-June 1, 2008</th>
<th>No Law</th>
</tr>
</thead>
<tbody>
<tr>
<td>2001</td>
<td>GA CO WA AZ ID OH AL SD</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>NH LA AR IN SC NE NC WI</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>MS CA MD AK KY HI WY</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>OR RI VA DE UT MA PA</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>WV NY TX IA FL MI</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>CT VT ME IL MO</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>NJ NV KS MN</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>OK TN MN ND</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

A surge in legislation appeared between 2001 and 2003, and then again from 2005 to 2008. The first wave may have been a reaction to the enactment of NCLB and the safe school requirements of Title IV. The next phase of legislation may have been a result of the subsequent refinement of Title IV (2004), but both of these possibilities were inconclusive.

On a map of the United States, Figure 4 below illustrates the states with and without bullying laws, color coded to represent the year of enactment.
As shown in Figure 4, only two states (5% of the states with bullying laws) enacted bullying legislation in or prior to 2000. Sixteen states (42% of the states with bullying laws) enacted legislation between the years 2001 and 2004. The majority of state bullying laws were passed in 2005 or later, with 20 (53%) of the 38 states joining during this period. Twelve states had no bullying legislation prior to June 1, 2008.

Although the map is useful in establishing a visual picture of the spread of bullying legislation, no patterns were identified in the following areas:
1. The year of enactment and the comprehensiveness of the law using the Dounay Criteria, or

2. The geographic location and year of enactment

School Shootings

Bullying data were compared with school shootings in each state. School shootings became a national concern over the past two decades and have been attributed to bullying by experts (Crawford, 2002). This study found no correlation between bullying legislation and school shootings, but terrorism and hate crimes (school shootings) have not increased dramatically since 1999.

Challenges in Data Collection

States and local communities face several challenges in implementing data collection requirements and, in turn, operating and managing effective drug and violence prevention programs. These challenges may include:

1. Lack of standardized collection instruments and definitions both within and across states,

2. Lack of expertise related to collecting data about youth drug use and violence,

3. Lack of time and other resources to support high-quality data collection and analysis in these areas,

4. Unfavorable community and media reaction to high rates of youth drug use and violence that discourages full and accurate reporting, and

5. Negative consequences for administrators whose schools have high rates of drug use or violent incidents (SESIR, 2001).
No Child Left Behind Act of 2001 (NCLB), reauthorized the Elementary and Secondary Education Act (ESEA) of 1965. The Safe and Drug-Free Schools and Communities Act (SDFSCA) as Title IV, Part A of NCLB became effective on July 1, 2002. The purposes of the SDFSCA are to 1) support programs that prevent violence in and around schools; 2) prevent the illegal use of alcohol, tobacco, and drugs; and 3) involve parents and communities to foster a safe and drug-free learning environment that supports student academic achievement.

NCLB changed the way states report their performance to the federal government. In the past, states had both the right to provide the public education and the autonomy to choose how that right was accomplished. NCLB increased accountability for states in reporting to the federal government.

Data collection and reporting has also changed with new requirement in NCLB. For example, the Centers for Disease Control and Prevention (CDC), the National Institute of Drug Abuse (NIDA), and the Substance Abuse and Mental Health Services Administration (SAMHSA) regularly collect and disseminate information from nationally representative samples of students or youth related to the incidence and prevalence of alcohol and drug use or violent behavior. Previous to NCLB, data related to weapons on school grounds were collected by the Gun Free Schools Act (GFSA). In addition to the academic accountability requirements of NCLB, school safety reporting criteria increased in the Title IV section of SDFSCA. These changes have altered data collection requirements in the states, and may be associated with the growth of bullying legislation among the states.
Federal Data Centralization Efforts

In an attempt to standardize reporting and improve consistency, the federal government developed initiatives to address data reporting issues. Descriptions of several of these initiatives are presented below.

*Uniform Management Information Reporting System (UMIRS)*

The U.S. Department of Education (USDOE) currently requires states to collect and report data on youth drug and violence problems and prevention efforts through a Uniform Management Information and Reporting System (UMIRS) that states must participate in under section 4112(c) (3) of ESEA (1965), as amended by the NCLB (2001) (20 U.S.C. 7112(c) (3)) (20 U.S.C. 7912). The UMIRS provisions require states to collect the following data: 1) truancy rate; 2) the frequency, seriousness, and incidence of violence and drug-related offenses resulting in suspensions and expulsions in elementary and secondary schools in the state; and 3) the types of curricula, programs, and services provided by the state’s chief executive officer, the state educational agency, local educational agencies, and other recipients of funds under SDFSCA (2004). States must also use objective data concerning school safety to meet the Unsafe School Choice Option (USCO) requirements in section 9532 of the ESEA.

*EDFacts*

*EDFacts* is a USDOE initiative to put performance data at the center of policy, management and budget decisions for all K-12 educational programs. *EDFacts* centralizes performance data supplied by K-12 State Education Agencies (SEAs) with other data assets, such as financial grant information, within the department to enable
better analysis for and use in policy development, planning and management. The purposes of EDFacts are:

1. To increase the focus on outcomes and accountability rather than process,
2. Provide robust K-12 performance data by integrating student achievement and federal program performance data,
3. Reduce data collection burden for local and state agencies, and
4. Provide data for planning, policy, and program management (Ed Facts, 2008)

EDFacts built upon the foundation of the Education Data Exchange Network (EDEN), along with internal ED data sources, in an effort to create an education focused business intelligence tool for the 21st Century (EdFacts, 2008).

*Education Data Exchange Network (EDEN)*

EDEN is a web-based interface that permits local school districts to enter data, and then electronically submit the data to USDOE using the Internet. Data are available through EDFacts for analysis and reporting purposes. The Consolidated State Performance Report (CSPR) data, the NCLB compliance reports SEAs submit to the federal government, were collected online using the EDEN website. In the future, the EDEN web site will be modified to include CSPR data entry (EdFacts, 2008).

Data are transmitted by the states to meet the requirements of annual and final grant reporting, specific program mandates, and the Government Performance and Results Act. Indicators of School Crime and Safety, an annual report provided by the National Center for Education Statistics (NCES), has required establishing good
indicators of the current state of school crime and safety across the nation and regularly updating and monitoring of these indicators (NCES, 2008).

*Indicators of School Crime and Safety Report*

The Indicators of School Crime and Safety Report is an annual publication produced jointly by NCES, Institute of Education Science, USDOE, and the Bureau of Justice Statistics (BJS) in the U.S. Department of Justice (2008). This Report presented the most recent data available for the year 2005-6 on school crime and student safety. School violence information on the Indicators of School Crime and Safety Report does not allow for comparison between states because of the manner in which the data are collected and the sampling design. If this procedure were to be changed, perhaps these data would be useful for state comparison of school violence.

The indicators in the School Crime and Safety Report were based on information drawn from a variety of data sources, including national surveys of students, teachers, and principals. Such sources included results from a study of violent deaths in schools, sponsored by the USDOE and the CDC; the National Crime Victimization Survey (NCVS) and School Crime Supplement (SCS) to the survey, sponsored by BJS and NCES, respectively; the Youth Risk Behavior Survey (YRBS), sponsored by the CDC; and the Schools and Staffing Survey and School Survey on Crime and Safety, both sponsored by NCES.

*Common Core of Data*

The Common Core of Data (CCD) is a program of NCES that collects data about all public schools, public school districts, and state education agencies in the United States. The purpose is to provide basic and descriptive information for all elementary and
secondary public schools in the United States. Data are available on the following combination of factors and also by these factors individually: 1) size of school and student/teacher ratio, 2) size of school district and geographic location in the country, 3) locale of school and racial/ethnic composition, 4) racial/ethnic composition and student/teacher ratio, 5) locale of school and students eligible for free lunch, 6) grade level and student/teacher ratio, 7) size of school district and number of special education students, 8) graduates, and 9) finance information by school district.

Youth Risk Behavior Survey

The purposes of the SDFSCA (2004) are to support programs 1) that prevent violence in and around schools, 2) that prevent the illegal use of alcohol, tobacco, and drugs, 3) that involve parents and communities, and 4) are coordinated with related federal, state, school, and community efforts and resources to foster a safe and drug-free learning environment that supports student academic achievement.

The Office of Safe and Drug-Free Schools (OSDFS) is improving state data systems and linking those improvement activities to other USDE initiatives (EDFacts, 2008). Grants have been awarded to 17 states to provide support for enhancing efforts to collect data required by the UMIRS provisions in Title IV of NCLB (Safe and Drug-Free Schools and Communities Act, 2004). A second initiative involves the development of a uniform data set that includes the UMIRS data elements.

Data Dictionaries

Despite efforts to standardize reporting, with so many different reporting options and inconsistencies, states differ on discipline terms and how they are defined. A standard set of data definitions adopted and used by all participants in reporting discipline
incidents is termed a “data dictionary” (USDOE, 2006, p. 12). A data dictionary identifies all data elements and describes their content, coding options, and format, and is essential to establishing consistent collection and reporting. The EDEN data collection system used by USDOE has developed this data improvement initiative in collaboration with NCES to identify, standardize and harmonize common core data. The aim is to identify, draft, and communicate data policy requirements through establishing “Education Communities of Interest” (COI). COIs will become the authorities on specific categories of education data. This initiative is to create a center of excellence in data management and facilitate the standardization and harmonization of data via governance and data stewardship (NCES, 2006). This has not yet been accomplished.

The USDOE Office of Elementary and Secondary Education created guidelines to improve the quality of data including:

- All schools and LEAs in the state should use a single standard definition and set of codes for each federally required NCLB subgroup.
- If existing state and local subgroup definitions differ from NCLB definitions, the dictionary should clearly identify which description is to be used for federal NCLB reporting purposes or which groups should be combined for federal reporting.

Persistently Dangerous Schools or Unsafe School Choice Option

NCLB stipulates that a school can be deemed unsafe as a whole entity or for an individual student who is the victim of a violent criminal offense (20 U.S.C. 7912). SEAs were to establish a school choice policy for students attending a Persistently Dangerous School as defined by each individual state. This new condition of compliance
may also have been a factor in the increased discipline data collection by states. The passage of the law addressing this issue is:

Each State receiving funds under this Act shall establish and implement a statewide policy requiring that a student attending a persistently dangerous public elementary school or secondary school, as determined by the State in consultation with a representative sample of local educational agencies or who becomes a victim of a violent criminal offense, as determined by State law, while in or on the grounds of a public elementary school or secondary school that the student attends, be allowed to attend a safe educational agency, including a public charter school. (P. L. 107-110 Title IX, Part E, Subpart 2, Section 9532a)

This law also set a deadline of June 16, 2003, for implementation of the Unsafe School Choice Option (USCO) requirements, under section 9532 of the Elementary and Secondary Education Act (ESEA) of 1965, as amended by NCLB (20 U.S.C. 7912). States must notify students of schools qualifying for this designation and offer the opportunity to transfer to a safe school. Students who are victims of a violent criminal offense while on school property are also offered the opportunity to transfer to a safe school, regardless of whether their school qualifies as “unsafe”.

Corrective action is part of the process when a school is designated as unsafe. Despite perceptions by the public, very few schools are reported by states as persistently dangerous. The final reports compiled by the federal government show a reduction in persistently dangerous schools from the original list. It is unclear what criteria were used to eliminate schools from the original report.
Table 6 presents the number of persistently dangerous schools in the United States according to the SDFSCA Report of 2007:

Table 6

<table>
<thead>
<tr>
<th>School Year</th>
<th>Original Report</th>
<th>Final Information</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>States</td>
<td>Schools</td>
</tr>
<tr>
<td>2003-2004</td>
<td>7</td>
<td>61</td>
</tr>
<tr>
<td>2004-2005</td>
<td>4</td>
<td>41</td>
</tr>
<tr>
<td>2005-2006</td>
<td>7</td>
<td>41</td>
</tr>
</tbody>
</table>

The data reported in Table 6 contains only one state with a bullying law (Oregon). The other states with persistently dangerous schools do not have a bullying prevention law. It is disappointing to note that a school shooting does not place a school in a “persistently dangerous” category.

States develop their own criteria in identifying “persistently dangerous” schools. One example of state requirements for this designation is found in Oregon where a public elementary or secondary school is considered to be “persistently dangerous” if one or more of the following conditions exist for three-consecutive school years:

1. The schools has expulsion(s) for violent behavior, and/or

2. The school has expulsion(s) for students arrested for any of the following violent criminal offenses on school ground, on school sponsored transportation and/or school sponsored activities: Assault (ORS 163.160,
ORS 163.165, ORS 163.175, ORS 163.185); Manufacture or delivery of a controlled substance (ORS 475.992 (1-3)); Sexual crimes using force, threatened use of force or against incapacitated person (ORS 163.375, ORS 163.395, ORS 163.411, ORS 163.427); Arson (ORS 164.315, ORS 164.325); Robbery (ORS 164.395, ORS 164.405, ORS 164.415); Hate/Bias Crime (ORS 166.155, ORS 166.165); Coercion (ORS 163.275); and Kidnapping (ORS 163.225, ORS 163.235).

The total number of expulsions for these combined categories must meet or exceed one of the following rates per year:

a) For a school with fewer than 500 students, 5 expulsions, and
b) For a larger school, one expulsion for every 100 enrolled students or fraction thereof (OREGON § 339.351, 339.353, 339.356, 339.359, 339.362, 339.364).

This information was required to be made available to the public by NCLB. Unfortunately, the information is negatively portrayed on state websites as “Persistently Dangerous,” creating a stigma that every state and school district would prefer to avoid. Due to the variation among states on “Persistently Dangerous” qualifying factors, this categorization does not adequately present safe school information to the public. This designation may also inhibit the reporting of bullying information.

Changes or Trends in Data Collection

Data collection and data driven decision making developed more fully over the past 10 years (Marsh, Pane, & Hamilton, 2006), and the categories of collected discipline
incidents have expanded for most states. Earlier discipline data are difficult to access, have changed in collection format, and have not existed in all states.

States were not required to collect discipline data and submit to the federal government until 2002-03, when NCLB was reauthorized (2002). NCLB amended and reauthorized SDFSCA as Part A of Title IV, 21st Century Schools. Funds were authorized for the SDFSCA program, which is the federal government’s primary initiative to prevent drug abuse and violence in and around schools. The type of data collected in addition to the number of incidents included 1) where the incidents occur most, 2) what type of incidents occur most, and 3) what demographic characteristics are found most, such as gender in the SEAs’ SDSFCA report. Reporting violence in the NCLB report increased in 2005-6 from one category of “physical fighting” to two categories: violent incidents with and without injury (EDFacts, 2008). Along with weapons possession, these were the only required collection variables related to school violence for NCLB. Any state receiving federal funds for education is required to file a report under the GFSA section as well as the Title IV (SDFSCA) of NCLB.

The most prevalent data collected by states are the categories required by SDFSCA. Youth Risk Behavior Surveys (YRBS), popular instruments used by states to collect SDFSCA data, are based upon student reported perceptions of school safety and drug use; expulsion and suspension data for physical violence; weapons; as well as drug, alcohol, and tobacco use.

Data systems continue to be created by states and the national government (Palaich, Good & van der Ploeg, 2004). Unfortunately, the data are not consistent across states in type, category, collection procedure, and/or time of collection. Although data
systems were not consistent when they were originally developed, and the researcher found states such as Florida, Georgia, Montana, North Carolina, and Wisconsin realize data collection needs to be consistent from year to year, and challenges in collecting data continue to arise due to the changing data requirements and timelines.

Countless documented examples of serious school crime and serious incident underreporting, non-reporting, and delayed reporting exist across the United States (National School Security Services, 2008). Far too many principals, superintendents, and school board members still believe that the public will perceive them to be incompetent leaders and poor managers if the public becomes aware of crimes, violence, and serious discipline problems that occur in their schools (Trump, 2007).

YRBS (1991) surveys have been employed to gather information on perceptions of youth throughout the country. Some states have developed their own instruments based upon the nationally developed YRBS. This information could play an important role in the administration of drug and violence prevention programs in each state, as well as in implementation of the Unsafe School Choice Option (USCO) requirements. Although YRBS is considered valid and reliable, it is based upon students’ perceptions of violence and drug abuse and not on actual documented incidents (CDC, 2000).

The amount of reporting is also variable. Florida, for example, reported using a wide variety of data collection systems for tracking incidents of violence and substance use as well as the resulting disciplinary actions, while other states collect only the data required of the EDEN system for their reports (Vermont State Department of Education Consolidated Performance Report to the Office of Safe and Drug Free Schools, 2008; New Hampshire Department of Education Safe Schools, 2008). Such variations in data
collection systems make it difficult to achieve uniformity regarding how data are entered and reported. In addition to the problems created by having numerous incident reporting systems, the accuracy in matching Florida’s data collection database (“SESIR”) incident data with the corresponding disciplinary actions varies widely across the software systems being used within that state (SESIR, 2001).

_Dounay Criteria and SDSFCA Initiative_

The federal government is proactive in the SDSFCA (Title IV) portion of NCLB, suggesting innovative strategies to assist states in reducing school violence; unfortunately, the federal government has reduced funding. Title IV promotes professional development, security personnel and equipment, counseling services, data collection, and community involvement in decision making.

Bullying legislation, important in bringing about a non-bullying environment, mirrors the goals of the Safe Schools Initiative when it is more comprehensive (Appendix B). Although it is not federally required, the use of data collection to drive decision making, known “data driven decision making” (DDDM), is encouraged, minimal discipline data are collected by the federal government. The only school violence data collected for Title IV remains personal violence with or without injury and weapons violations and weapons.

_Challenges for the Researcher in Discipline Data Collection_

Not all states proved cooperative in providing discipline data for this study. The researcher made attempts to contact SDE representatives and acquire annual discipline data. These attempts were not always successful, resulting in gaps of the data collected.
Some SDE representatives stated that they do not keep data longer than the past three years.

Also, conflicting data for states were found in different reports. SDFSCA reports have focused more on drug use than on school safety, although there appears to be a shift in data collection toward increased school violence data. This is best explained by the change in reporting violent offenses that states report to the federal government, changing from the category of “fighting” to that of “violent offenses with or without injury” may explain this shift, since the change tends to clarify the category. Despite this clarification, many discipline incidents fall outside these categories. This fact may explain why the “Other” category in the data collected for this study is the largest, contributing to this large grey area of school violence for states, and the continuing lack of incentive for states to improve discipline data collection.
CHAPTER V

Introduction

The purpose of this study was to examine the state legislation concerning bullying in schools to determine whether the development, structure, and content of these state mandates parallel any change in reported incidents of bullying by public schools in each of those states. This chapter will review how the study was conducted, any findings in this study, if any relationships were found, how the theory relates to the study, and recommendations for future research and practice.

Summary of Research

Bullying is the most prevalent form of school violence today (Orpinas & Horne, 2006). Experts attribute bullying to increased incidences of interpersonal violence, including school shootings. Thirty-eight states have created bullying prevention laws in an effort to reduce school violence by June 1, 2008. The first state statute designed to deal with this issue was enacted in 1999 (Georgia § 20-2-751.4). It remains unclear if state legislation is effective in reducing bullying behavior among children in public schools.

The following research questions were used to guide the analysis of data:

1. What comparisons are possible within the bullying legislation of those states having such legislation before June 1, 2008?
2. What changes or trends may be identified in reported incidences of bullying within those states having bullying legislation?
3. What relationships exist between bullying legislation and the reported incidents of bullying in these states?
The Black Box Theory was used in this study as a lens for analysis. The consensus of the Black Box Theory is that each actor knows the input and output of the other, but the internal processes that convert inputs to outputs remain obscure (Tuebner, 1983). This theory was used as a framework for research in an attempt to provide a qualitative description of what is “in” the Black Box. The input is bullying prevention legislation in this study, and the desired output is decreased school violence and bullying. Use of this theory honors not only the complexity of these issues, but also our inability to acknowledge all of the variables contributing to input, the contexts of those contributions, and how these elements combine to produce the anticipated output of reduced bullying. This theory lends itself to the inductive approach of qualitative exploration, which has provided insight into the process within the Black Box.

A constant comparative method was used to analyze the text of the bullying legislation from those states identified as having such legislation before June 1, 2008. Bullying prevention laws were examined for comprehensiveness based on criteria established by Jennifer Dounay (2005), a policy analyst with the Education Commission of the States (ECS). ECS is an interstate compact created in 1965 to improve public education by facilitating the exchange of information, ideas and experiences among state policymakers and education leaders. Comparisons were conducted among states based upon the Dounay Criteria and the qualitative themes found in the text of the legislation. Patterns and themes were identified, and the themes that emerged, although not conclusive, will provide a foundation for future research.

Discipline data were collected from all states with bullying legislation enacted before June 1, 2008. State information regarding discipline and Safe and Drug Free
Schools and Community was evaluated for changes or trends from the 1999-2000 school-year to data from the most recent available year.

Findings

The findings of this study are organized under six categories or headings. The details of each finding are presented under the appropriate heading.

Statute Language

Most bullying statutes contain language that prohibits bullying, as well as defines bullying or asks the state or local education boards to define it. Three other common purposes of bullying laws are 1) to inform the public, 2) to investigate reports of bullying, and 3) to provide bullying prevention programs.

The same language is found in most comprehensive bullying prevention laws, illustrating how laws may have evolved from legislators researching other state bullying laws in the development of their language. Three states initiated language in their bullying legislation that contain the same two paragraphs that have since been adopted by other state bullying statutes: Colorado, Oregon, and West Virginia, enacted laws in the same year within three months of each other in 2001.

Emerging Components in Addition to Dounay

Dounay (2005) developed eight components for a bullying law to be considered comprehensive. Additional components were found in comprehensive statutes: 1) community and parent involvement in planning strategies for bullying and violence prevention; 2) student services in the form of counseling for both the victim and the bully; 3) prevention programs for teachers and staff as well as students; and 4) funding to facilitate bullying prevention efforts.
States with comprehensive laws were noted to continually update and improve their laws to meet the needs of their constituents. Forty percent of states with comprehensive bullying prevention laws amended their laws to include such things as data collection, prevention programs, alternative education programs for habitual bullying offenders, teen dating violence, and cyber bullying.

A new trend in anti-bullying legislation is cyber bullying. Twenty-nine percent of states have now included cyber bullying as a category of their bullying definition. The following states have included cyber bullying language in their laws: Delaware, Florida, Idaho, Indiana, Iowa, Kentucky, Maryland, Minnesota, Missouri, Nebraska, and South Carolina.

Relationship between Bullying Legislation and Bullying Incidents

A relationship does exist between a comprehensive bullying law and a bullying report requirement. However, it is inconclusive as to whether any relationship exists between bullying legislation and reported bullying incidents because of the rapid changes states continue to make to their data collection systems. And, some states collect data on bullying incidences even though they are not required by law to do.

No significant changes are evident in the reports of gun violation incidents, although reports of bullying, personal violence, and misbehaviors in public schools have significantly increased largely due to reporting by states. It is inconclusive as to whether there is a significant change in bullying as a result of the rapidly changing discipline data collection.

No relationship was found between years of enactment, comprehensiveness of the bullying law as defined by the Dounay Criteria (2005), a school shooting in the state, and
geographic location. Despite legislative intentions to reduce school violence and provide violence prevention programs to schools, no decrease in disciplinary incidents has been reported.

*Discipline Data*

The discipline data were insufficient to draw any conclusions regarding a relationship between bullying prevention legislation and changes in discipline data. Terrorism and hate crimes, a category where school shooting data would be found, have not increased but remained relatively steady for states with bullying legislation. Reports of bullying, misbehaviors, and personal violence have increased, which some states argue is due to improved reporting processes. The increase may also mean that schools are actively addressing these types of violence in schools.

Data collection and data driven decision making have developed over the past ten years. As this development occurred, the categories of collected discipline incidents also continued to expand for the states. Earlier discipline data has been difficult to access, has changed in collection format, and may not exist at the state level. Discipline data lacks consistency and contains ambiguity. States were not required to collect many categories of discipline data and submit to the federal government until 2002 with NCLB, SDFSCA was updated and passed in Title IV of that reauthorization. Additionally, very little information is available in professional research literature concerning the reliability and validity of school violence data (Furlong, Morrison, Cornell, & Skiba, 2004).

Each state defines suspension and expulsion data differently creating difficulty in interpreting that data or drawing any conclusions from it. The SDSFCA reporting requirements have also changed from the category of violent incident to violent incident
with and without injury creating another obstacle for comparison. Consequently, not all states were able to provide this information in the most recent report.

Almost half of state bullying prevention legislation was enacted in the year 2005 and later. These statutes were more likely to have data collection requirements on bullying than earlier statutes.

**Persistently Dangerous Schools**

It is inconclusive whether the unsafe school choice option of the revised SDSFCA Act in Title IV has provided any impetus for states to enact bullying prevention statutes. Oregon was the only state with a bullying law that reported a school with the classification of persistently dangerous schools. The other persistently dangerous school states do not have bullying laws.

**Theory**

The rationale for increased data driven decision making and data collection is due to the increased focus on outcomes, rather than the process, explaining why the Black Box Theory is appropriate in describing the changes that are occurring around bullying legislation. The Black Box Theory also lends itself to qualitative exploration.

The federal government has been promoting changes in education accountability through several initiatives. EdFacts emphasizes data driven decision making (DDDM) in schools. The purposes of EdFacts are 1) to increase the focus on outcomes and accountability rather than process; 2) provide robust K-12 performance data by integrating student achievement and Federal program performance data; 3) reduce data collection burden for LEAs and SEAs; and 4) provide data for planning, policy, and program management. EdFacts built upon the foundation of the EDEN, along with
internal data sources, to create an education focused business intelligence tool for the 21st Century.

Conclusion

Statute Language

Most bullying statutes contain language that prohibits bullying, as well as defining bullying or asking the state or local education boards to define it. Three other common purposes of bullying laws are 1) to inform the public, 2) to investigate reports of bullying, and 3) to provide bullying prevention programs. Similar language is found in many comprehensive bullying prevention laws, illustrating how laws may have evolved from legislators researching other state bullying laws in the development of their language.

Emerging Components in Addition to Dounay

Dounay (2005) developed eight components for a bullying law to be considered comprehensive. Additional components were found in comprehensive statutes: 1) community and parent involvement in planning strategies for bullying and violence prevention; 2) student services in the form of counseling for both the victim and the bully; 3) prevention programs for teachers and staff as well as students; and 4) funding to facilitate bullying prevention efforts. If comprehensive laws are considered to be better than those that are not, then states may want to consider including these emerging components in their bullying statutes.

States with comprehensive laws were noted to continually update and improve their laws to meet the needs of their constituents. Forty percent of states with comprehensive bullying prevention laws amended their laws to include such things as
data collection, prevention programs, alternative education programs for habitual bullying offenders, teen dating violence, and cyber bullying. Comprehensive states employ a continuous improvement strategy to their bullying legislation, consistently monitoring, assessing, and evaluating their laws.

A new trend in anti-bullying legislation is cyber bullying. Twenty-nine percent of states have now included cyber bullying as a category of their bullying definition. This addition could require schools to investigate incidents that may be outside of the school domain. This not only increases the role of schools in areas outside of the school domain, but also increases the liability of schools regarding students involved in these situations. Schools will be investigating more bullying incidents, which will increase the need for responsive services provided by schools.

*Relationship between Bullying Legislation and Bullying Incidents*

A relationship does exist between a comprehensive bullying law and a bullying report requirement. However, it is inconclusive as to whether any relationship exists between bullying legislation and reported bullying incidents due of the rapid changes in state data collection systems. Some states collect data on bullying incidences even though they are not required by law to do, indicating that states are attempting to address bullying without the requirements of a state bullying prevention law.

No significant changes are evident in the reports of gun violation incidents, although reports of bullying, personal violence, and misbehaviors in public schools have significantly increased largely due to reporting by states. It is inconclusive as to whether there is a significant change in bullying due to rapidly changing discipline data collection.
No relationship was found between years of enactment, comprehensiveness of the bullying law as defined by the Dounay Criteria (2005), a school shooting in the state, and geographic location. Despite legislative intentions to reduce school violence and provide violence prevention programs to schools, no decrease in disciplinary incidents has been reported. This may be attributed to increased data reporting requirements rather than an increase in school bullying or school violence. The data collected needs to be consistent for comparison.

**Discipline Data**

The increased data collection requirement of states required by NCLB under Titles I and IV also may have fueled the growth of both the amount of data and the number of categories created. Bullying is one of the factors attributed to violence in schools, which may explain why there is an increase gathering this information at the state level. Almost half of state bullying prevention legislation was enacted in the year 2005 and later. These statutes were more likely to have data collection requirements on bullying than earlier statutes, indicating that federal initiatives promoting data driven decision making are being incorporated into state policy.

Data collection and data driven decision making have developed over the past ten years. As that development occurred, the categories of collected discipline incidents also continued to expand and change for the states. Earlier discipline data has been difficult to access, has changed in collection format, and may not exist at the state level. Discipline data lacks consistency and contains ambiguity. States were not required to collect many categories of discipline data and submit to the federal government until 2002 with NCLB. New reporting requirements were introduced in the SDFSCA section, Title IV, of that
reauthorization. Although there is an increase in discipline data reporting, very little information is available in professional research literature concerning the reliability and validity of school violence data (Furlong, Morrison, Cornell, & Skiba, 2004).

Each state defines suspension and expulsion data differently creating difficulty in interpreting that data or drawing any conclusions from it. The SDSFCA reporting requirements have also changed the category of ‘violent incident’ to ‘violent incident with or without injury’ creating another obstacle for comparison. Consequently, not all states were able to provide this information in the most recent report.

The discipline data were insufficient to draw any conclusions regarding a relationship between bullying prevention legislation and changes in discipline data. Terrorism and hate crimes, a category where school shooting data would be found, have not increased but remained relatively steady for states with bullying legislation. Reports of bullying, misbehaviors, and personal violence have increased, which some states argue is due to improved reporting processes. The increase may also mean that schools are actively addressing these types of violence in schools. The increase in data collection has not resulted in improvement of information, but it does provide a starting point for analysis.

Although discipline data reporting has changed in states over the years, schools keep discipline data. How schools categorize this information may differ among school districts, but this information is kept by districts and is a useful resource for the analysis of discipline problems unique to that school and district. The collection may change based upon state and federal reporting requirements, but there is more consistency in local data collection, possibly because the collection was developed based upon the local
needs of the school or district. Schools and districts can analyze their discipline data to address the unique needs of their sites.

**Persistently Dangerous Schools**

It is inconclusive whether the unsafe school choice option of the revised SDSFCA Act in Title IV has provided any impetus for states to enact bullying prevention statutes. Oregon was the only state with a bullying law that reported a school with the classification of persistently dangerous schools. The other persistently dangerous school states do not have bullying laws. The original federal report of states with persistently dangerous schools for the 2005-2006 academic year indicates that one out of seven states listed as having a persistently dangerous schools which translates to 86% of states with persistently dangerous schools do not have a bullying prevention law.

**Theory**

The federal government has been promoting changes in education accountability through several initiatives. EdFacts emphasizes data driven decision making (DDDM) in schools. EdFacts built upon the foundation of the EDEN, along with internal data sources, to create an education focused business intelligence tool for the 21st Century. Educators may not understand or agree with the use of a business intelligence tool to improve education. The ‘process’ of education is what we strive to improve, and we cannot improve the ‘process’ if we don’t know what is going on in the Black Box. A qualitative description of bullying statutes and the processes around bullying prevention legislation provide a starting point for a better understanding and for identifying and improving the processes.

**Recommendations**
Statute Language

Most bullying statutes contain language that prohibits bullying, as well as defining bullying or asking the state or local education boards to define it. The same language is found in most comprehensive bullying prevention laws, illustrating how laws may have evolved from legislators researching other state bullying laws in the development of their language. This study may help states in the analyzing their bullying legislation along with other states in future decision making regarding bullying.

Hopefully, states lacking bullying prevention legislation may use this study as a resource in developing bullying legislation and the policies that support it.

Most bullying statutes contain language that prohibits bullying, as well as defines bullying or asks the state or local education boards to define it. Three other common purposes of bullying laws are 1) to inform the public, 2) to investigate reports of bullying, and 3) to provide bullying prevention programs. States may find that identifying the purpose(s) of their bullying prevention legislation will provide a foundation for developing or improving their statutes.

The same language is found in most comprehensive bullying prevention laws, illustrating how laws may have evolved from legislators researching other state bullying laws in the developing their language. Three states initiated language in their bullying legislation that contain the same two paragraphs that have since been adopted by other state bullying statutes indicating that states rely on each other for the development of their bullying legislation. This study may help states in the analyzing their bullying legislation along with other states in future decision making regarding bullying.
Hopefully, states lacking bullying prevention legislation may use this study as a resource for states’ developing bullying legislation and the policies in place that support it.

*Emerging Components in Addition to Dounay*

Dounay (2005) developed eight components for a bullying law to be considered comprehensive. Additional components were found in comprehensive statutes: 1) community and parent involvement in planning strategies for bullying and violence prevention; 2) student services in the form of counseling for both the victim and the bully; 3) prevention programs for teachers and staff as well as students; and 4) funding to facilitate bullying prevention efforts. If comprehensive laws are considered to be better than those that are not, then states may want to consider including these emerging components in their bullying statutes. These components also need to be included in the criteria to qualify as a comprehensive bullying law.

States with comprehensive laws were noted to continually update and improve their laws to meet the needs of their constituents. Forty percent of states with comprehensive bullying prevention laws amended their laws to include such things as data collection, prevention programs, alternative education programs for habitual bullying offenders, teen dating violence, and cyber bullying. Comprehensive states employ a continuous improvement strategy to their bullying legislation, consistently monitoring, assessing, and evaluating their laws. States that are developing or have bullying prevention laws should continually assess and revise their statutes to achieve the objectives of their statutes.

A new trend in anti-bullying legislation is cyber bullying. Twenty-nine percent of states included cyber bullying as a category of their bullying definition. This addition
could require schools to investigate incidents that may be outside of the school domain. This not only increases the role of schools in areas outside of the school domain, but also increases the liability of schools regarding students involved in these situations. Schools will be investigating more bullying incidents which will increase the need for responsive services provided by schools. The American School Counselor Association (ASCA) developed a model for schools to implement a comprehensive school counseling program. One pillar of this model is providing responsive services, in addition to guidance (or prevention) programs, assessment, and evaluation. The increase in the need for responsive services affects the balance in a comprehensive school counseling program. This increase would also influence the guidance (prevention) efforts conducted at school sites. School counseling programs will need to adjust to accommodate the results of this legislation.

The Dounay Criteria, although useful in this analysis, would be strengthened by the addition of a few more components found in comprehensive bullying statutes. The following criteria should be included in statutes defined as comprehensive bullying legislation: professional development, community involvement in planning and decision making, counseling for those involved in bullying, and funding. The revised Dounay Criteria would then consist of the following components (see also Appendix G):

1. Defines bullying either statewide or local definition;
2. Prohibits bullying by students;
3. Informs students and others of anti-bullying policy;
4. Enables students and parents to report bullying incidents;
5. Requires teachers and school staff to report bullying incidents;
6. Provides immunity to those reporting bullying incidents and protection from reprisal, retaliation or false accusation against victims, witnesses or others with information regarding a bullying incident;

7. Requires administrators to investigate reported incidents; and

8. Encourages or requires bullying prevention education in schools (Dounay, 2005).

9. Provides professional development programs related to bullying and violence prevention for teachers and staff;

10. Involves the school community, parents, students, teachers, staff, and community in the strategic planning of bullying and violence prevention at the local level;

11. Provides student services in the form of counseling for those involved in bullying situations;

12. Funding appropriations for data collection and education programs.

The above components represent a proactive strategy that would support schools and districts in achieving the goals of reduced violence in schools. The elements in italics are recommended criteria to add to bullying prevention legislation.

Twenty-three (60%) states with bullying laws encourage parent participation or community involvement. Safe School Committees, Healthy and Fit Committees, and Bullying Task Forces encouraged or required by legislation may be the most significant vehicle for change and school improvement if they are utilized fully. Community and parent involvement in decision making provides for better accepted decisions, consensus, education, and the improved quality of the decisions (English, et al. 1993).
Development of violence prevention policy should involve the entire school community, including students and their parents. Boards should draw upon evidence-based practices that promote positive student behavior. In the development of their policies, boards must consult with school councils. They should also consult with parents, principals, teachers, students, their parent volunteer organizations, special education committees, community partners, social service agencies, and groups that are traditionally not consulted (Feinberg, 2003). This practice is employed by Safe and Drug Free School and Communities, a committee where bullying prevention decisions would be made, provided that a separate bullying prevention committee is not required by law.

School counseling services should be an integral part of a bullying prevention initiative. The victim, the bystander, and the bully all have psychological and social issues that could be easily addressed by the site school counselor. If these issues cannot be resolved by the school counselor and staff, recommendations for referral to in-house professionals such as the district social worker, school psychologist, behavior therapist; and outside professionals such as psychologists contracted by the district or the family to address violent behavior, traumatic stress disorders, and school phobias, as well as other resulting psychological or social dysfunction. Primary care health professionals, such as school counselors, need to determine when mental health referrals for the child or adolescent and/or the family are appropriate and when social service and/or legal agencies should be involved (Safe Youth, 2009).

Prevention programs should address the curricula not only for the students, but also for the professional development of teachers and staff. Research also shows that administrators and teachers need to be provided with opportunities to acquire the
knowledge and skills necessary to address bullying through school-level bullying prevention and intervention strategies (Feinberg, 2003).

Instead of limiting Local Education Agencies (LEAs) to using prevention programs required by the state, based upon evidence based research, LEAs should contribute to the literature in bullying prevention by adopting or developing programs that meet the needs of their community. Not enough research-based programs exist, and settling on suggested programs may limit the options and success of a bullying intervention. The field of bullying prevention would benefit from action research conducted in schools, contributing to this relatively new area of research.

The No Child Left Behind Act (NCLB, 2001) and Safe and Drug Free Schools and Community Act (SDFSCA, 2004) initiatives do not provide enough funding to states to support implementation. Those that are sufficiently funded are decreasing annually the allotment amount provided by SDSFCA. NCLB has imposed several new requirements without the financial capital necessary for states to accomplish these goals. A majority of state bullying laws are also unfunded. Some schools and districts may apply for grants from the state through SDFSCA funding, but as noted above, that funding is decreasing. Also, some states have set aside money to assist in implementing anti bullying policies and programs, but for the most part, statutes remain unfunded.

Funding is needed to provide bullying prevention curricula and professional development programs in schools. School counselors and schools need budgets that provide support for safe school climates; they cannot accomplish bullying prevention initiatives without financial and curricular support, which is basically non-existent at this point in time.
Relationship Between Bullying Legislation and Bullying Incidents

A relationship does exist between a comprehensive bullying law and a bullying report requirement. However, it is inconclusive as to whether any relationship exists between bullying legislation and reported bullying incidents due of the rapid changes states make to their data collection systems. And, some states collect data on bullying incidences even though they are not required by law to do.

No significant changes are evident in the reports of gun violation incidents, although reports of bullying, personal violence, and misbehaviors in public schools have significantly increased largely due to reporting by states. It is inconclusive as to whether there is a significant change in bullying as a result of the rapidly changing discipline data collection.

No relationship was found between years of enactment, comprehensiveness of the bullying law as defined by the Dounay Criteria (2005), a school shooting in the state, and geographic location. Despite legislative intentions to reduce school violence and provide violence prevention programs to schools, no decrease in disciplinary incidents has been reported. This may be attributed to increased data reporting requirements rather than an increase in school bullying or school violence. Consistency in reporting discipline will improve using this data for analysis and improvement.
**Discipline Data**

The increased data collection requirement of states required by NCLB under Titles I and IV also may have fueled the growth of both the amount of data and the number of categories created. Bullying is one of the factors attributed to violence in schools, which may explain why there is an increase gathering this information at the state level. States also look at what other states are doing or utilize the same resources to reduce school violence, which may explain why many states enacted legislation after 2004. These statutes were more likely to have data collection requirements on bullying than earlier statutes, indicating that federal initiatives promoting data driven decision making are being incorporated into state policy.

Data collection and data driven decision making have developed over the past ten years. As that development occurred, the categories of collected discipline incidents also continued to expand and change for the states. Earlier discipline data has been difficult to access, has changed in collection format, and may not exist at the state level. Discipline data lacks consistency and contains ambiguity. States were not required to collect many categories of discipline data and submit to the federal government until 2002 with NCLB, SDFSCA was updated and passed in Title IV of that reauthorization. Additionally, very little information is available in professional research literature concerning the reliability and validity of school violence data (Furlong, Morrison, Cornell, & Skiba, 2004). More research is needed to determine the reliability and validity of school violence and discipline.

Each state defines suspension and expulsion data differently creating difficulty in interpreting that data or drawing any conclusions from it. The SDSFCA reporting
requirements have also changed from the category of ‘violent’ incident to ‘violent incident with or without injury,’ creating another obstacle for comparison. Consequently, not all states were able to provide this information in the most recent report. The old categories of data should be collected in addition to the new categories, allowing for consistency in reporting and analysis.

The discipline data were insufficient to draw any conclusions regarding a relationship between bullying prevention legislation and changes in discipline data. Terrorism and hate crimes, a category where school shooting data would be found, have not increased but remained relatively steady for states with bullying legislation. Reports of bullying, misbehaviors, and personal violence have increased, which some states argue is due to improved reporting processes. The increase may also mean that schools are actively addressing these types of violence in schools. The increase in data collection has not resulted in the improvement of information at this point, but it does provide a starting point for analysis.

Schools collect discipline data for their own purposes as well as for state and federal reporting. Local data may be more consistent over time, but not comparable across schools or districts without adopted definitions and how to categorized them. Although federal and state discipline data is not useful for comparison or correlation, local discipline data is very useful for schools and districts in planning school improvement. Local discipline data would assist schools in developing school climate goals for their annual Comprehensive Local Education Plan (CLEP).

The quality and accuracy of existing data presents problems. The reliance of educational organizations on a single data source highlights the need for more
information from objective sources to make informed decisions. Several barriers exist that create problems when reporting and interpreting discipline data. Wide variability exists in reporting from those performing data entry and making discipline decisions. The descriptions on incident referral forms may be confusing. Those reporting may be unable to accurately and consistently interpret discipline criteria. Increased professional development and employee retention are necessary to improve reporting accuracy.

Technology is also a challenge to data collection as other systems and software programs may not be compatible from state to state and district to district (Florida SESIR, 2001).

The states and the federal government have changed the discipline data information that they collect over the years. The discipline categories should be collapsed into broader groups of discipline data for a better analysis of school environment. These groups are: bullying, intimidation and harassment; sexual incidents; personal violence; misbehaviors; terrorist and hate crimes, and weapons.

The federal government needs to improve the collection of discipline and violence data. Federal discipline or school violence reports do not provide an accurate picture of violence occurring in schools. Only suspensions and expulsions for drugs, weapons, truancy, and physical violence with or without injury are currently collected, despite the increased federal requirements for data collection and data driven decision making. Data dictionaries should be adopted by states and the federal government to provide for easier comparison of discipline data. Discipline categories need to be streamlined into fewer designations for more concise and comparable reporting.
Persistently Dangerous Schools

The term “persistently dangerous” is not helpful because it 1) stigmatizes schools, 2) may be misleading, and 3) may even penalize schools that accurately report incidents and are trying to address current problems. Standards for reporting vary from state to state, and some schools may not be reporting incidents at all. Changing terminology may focus schools and districts on the creation of safer school climates over time, rather than merely determining unsafe schools at any single point in time. Despite these issues, parents should have access to safety data from any school their children may attend, not only the schools deemed “persistently dangerous.” Apparently, a school shooting does not place a school in a “persistently dangerous” category. This raises the question, what good is this designation if it fails to identify these schools at greatest risk?

The label of persistently dangerous schools carries a negative connotation. This does not help school of district improvement when they are labeled as unsafe. The Clery Act of 1990 requires colleges and universities to have a uniform reporting system for unlawful violations. This law requires this information to be made available to the public and includes a comprehensive range of unlawful violations. States should consider adopting a policy similar to the Clery Act where the information is available to the public through reports to the public. Although K-12 discipline data is public information, it is not always easy to access from states or districts.

The federal government could provide support through providing uniform definitions for “persistently dangerous” schools, adoption of a national data dictionary in reports at no cost to states, improving the discipline categories that are collected to provide a more accurate picture of school violence, and providing funding for
implementation. NCES could also increase the data sets of the Common Core Data (CCD) to include some of this new required information for reporting and decrease the continuous duplication of data reporting.

It is inconclusive whether the unsafe school choice option of the revised SDSFCA Act in Title IV has provided any impetus for states to enact bullying prevention statutes. The original federal report of states with persistently dangerous schools for the 2005-2006 academic years indicates that 86% of states with persistently dangerous schools do not have a bullying prevention law. This is a significant finding that may encourage states to consider enacting a bullying prevention law.

Theory

The federal government has been promoting changes in education accountability through several initiatives. EdFacts emphasizes data driven decision making (DDDM) in schools to create an education focused business intelligence tool for the 21st Century. Educators may not understand or agree with the use of a business intelligence tool to improve education, and legislators may not understand the theories or processes involved in school improvement. This qualitative description of bullying statutes and the processes around bullying prevention legislation provides a starting point for a better understanding in identifying and improving the processes now illuminated in the Black Box. The Black Box Theory has provided greater insight into bullying prevention statutes.

Limitations

The primary limitations in this study lie in the methods that states use to collect incidences of school violence, derived from each district’s self-reporting. Some researchers argue that discipline data may be unreliable due to underreporting of bullying
and school violence (Medina, 2007). Concern also exists regarding the reliability of some states relying on a version of the youth risk behavior survey, which is dependent upon student perception and not necessarily considered objective data. Also, there is under-reporting of problem behaviors by some schools, while others may receive negative publicity for accurately reporting incidents (Hu, 2007). For example, the state of New York found that school officials had significantly underreported cases of violent and disruptive behavior in a recent audit (Medina, 2007).

No difference was found between states with bullying laws and states without bullying laws in the report of violent incidents using the GFSA annual data as a measure of school violence. The “Other” category includes unexplained incidents. In some states, the “Other” category comprises more incidents than the categorized incidents. The large number of “Other” incidents could act as the equivalent of an unknown variance, or another Black Box, which illustrates the lack of information about the majority of school violence incidents.

Conclusion

Results of this study clearly show that even though 38 states have passed anti-bullying legislation in an effort to address the problem of bullying in public schools, it remains unclear if these laws have had any effect, either positive or negative. No data system currently exists that is comprehensive enough with clear definition of categories and efficient collection of data to allow an analysis that could speak to the effect of these laws on public school environments.

Significant work needs to be done by policymakers at both state and federal levels to improve the connection between existing laws and the systems required to measure the
impact of those laws. Until those systems are improved, scholars might consider focusing on the evaluation of the bullying intervention programs in use in schools, and the creation of new and innovative programs that may serve to decrease the incidences of bullying.
REFERENCES


Arizona Title 15 Chapter 3 Article 3 § 15.341 (2005)


California 828 Art. 3 § 7 §§ 32270, 828 Art. 5 sec 23 35294.10 (2003)


Elementary and Secondary Schools Act P.L. 107-110 (1965)

Elias, M. (n.d.). Programs help prevent rampages. USA Today


Florida XLVIII § 1. § 1006.147 C (2008)


Georgia. § 20-2-751.4, § 20-2-751.5 (1999)


Gun Free Schools Act  P. L. 107-110 § 4141 (2001)


Indiana IC 20-33-8-0.2 (2005)

Individuals with Disabilities Education Improvement Act of 2004. 20 USC 1400

Iowa 9, § 1. § 280.12, §§ 2, (2007)


Kansas § 8205 (2007)

Kentucky § 4. KRS 525.070, 525.080, 158.441 KRS 158.150 (2008)


Lore, M. (October 17, 2005). Issues involving special education, disability discrimination, student safety and bullying are among the ‘hot’ areas in the


Maine 20-A §1001 (2005)


Maryland 7, §§ 4 § 7-424 (2005)


Minnesota 121A.0695 (2007)


Mississippi § 37-11-20 (2001)


Nebraska § 79-269 (2008)

Nevada NRS 388.129-136 (2001)


New Hampshire Department of Education Safe Schools contact (2008). Deb Connell (603) 271-3769


Ohio § 3301.22 (2006)

Oklahoma 70 § 24-100.3 through § 24-100.5 (2002)

Olweus, D. (2004). The Olweus Bullying Prevention Programme: design and implementation issues and a new national initiative in Norway. Bullying in


Rhode Island 16 § 16-21-26 (2003)


South Carolina § 59-63-120-150 (2006)


Tennessee §§ 49-6-1014—49-6-1019, 49-6-4301 (2005)


Vermont 9 V.S.A. chapter 139 Sec. 1 16 V.S.A. § 11(a)(32) Sec. 2. 16 V.S.A. § 11(a)(26), Sec. 3. 16 V.S.A. § 14, Sec. 4. 16 V.S.A. § 565, 166e, Sec. 5. 16 V.S.A. § 2182, Sec. 6. 16 V.S.A. § 2284, 1161a, (1994)

Vermont State Department of Education Consolidated Performance Report to the Office of Safe and Drug Free Schools (Friday, April 18, 2008). Montpelier, VT: contact Kerry Garber Telephone: 802-828-3150

Virginia §§ tit. 22.1-208.01, 22.1-279.3:1, 22.1-279.6 (2005)


West Virginia §18-2C-1 -6 (2001)


http://www.hg.org/schools.html


http://www.cdc.gov/HealthyYouth/yrbs/index.htm
APPENDICES
Appendix A

Dounay Criteria Components

1. Defines bullying either statewide or local definition
2. Prohibits bullying by students
3. Informs students and others of anti-bullying policy
4. Enables students and parents to report bullying incidents
5. Requires teachers and school staff to report bullying
6. Provides immunity to those reporting bullying incidents and protection from reprisal, retaliation or false accusation against victims, witnesses or others with information regarding a bullying incident
7. Requires administrators to investigate reported incidents
Appendix B

Comparing Dounay Criteria to Safe and Drug Free Schools and Community Act SDFSCA Goals

<table>
<thead>
<tr>
<th>Dounay Criteria</th>
<th>SDSFCA Goals</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Defines bullying</td>
<td>1. Does not define violence</td>
</tr>
<tr>
<td>2. Prohibits bullying by students</td>
<td>2. Goals are to reduce drugs and violence, but does not prohibit</td>
</tr>
<tr>
<td>3. Informs students and others of anti-bullying policy</td>
<td>3. Informs the public through the language of the law that the goals are to reduce violence and drugs</td>
</tr>
<tr>
<td>4. Enables students and parents to report bullying incidents.</td>
<td>4. Parents and students do not report incidents</td>
</tr>
<tr>
<td>5. Provides immunity to those reporting bullying incidents.</td>
<td>5. therefore, does not provide immunity</td>
</tr>
<tr>
<td>6. Requires administrators to investigate reported bullying incidents</td>
<td>6. Requires administrators to document unsafe school incidents</td>
</tr>
<tr>
<td>7. Encourages bullying prevention education, but does not include</td>
<td>7. Encourages violence prevention education as well as professional development in this area</td>
</tr>
<tr>
<td>professional development</td>
<td>8. Is funded, but the funds are decreasing annually</td>
</tr>
<tr>
<td>8. Is unfunded</td>
<td>9. Requires parent, student, and community involvement in establishing local policy in the Safe Schools Committee</td>
</tr>
<tr>
<td>9. Some bullying legislation requires a task force</td>
<td></td>
</tr>
<tr>
<td>of parents, students, and the community to plan prevention efforts.</td>
<td></td>
</tr>
</tbody>
</table>
Appendix C

The wording in the paragraph below was used at the beginning of 17 state bullying prevention statutes:

The Legislature finds that a safe and civil environment in school is necessary for students to learn and achieve high academic standards. The Legislature finds that harassment, intimidation or bullying, like other disruptive or violent behavior, is conduct that disrupts both a student’s ability to learn and a school’s ability to educate its students in a safe, non-threatening environment. (Oklahoma 70, § 24-100.3 through § 24-100.5, p. 1)

These 17 states are Colorado, Delaware, Illinois, Indiana, Iowa, Maryland, Nebraska, Nevada, New Jersey, Ohio, Oklahoma, Oregon, Rhode Island, South Carolina, Tennessee, Washington, and West Virginia.
Appendix D

Discipline Data Collection Categories

83 categories collected across states with bullying legislation in 2006-7:

Acts of violence
Aggravated assault
Assault
Assault of student
Assault of teacher or school employee
Attempted or forcible rape
Battery
Battery of staff
Battery of student
Behavioral problems
Bomb threat
Bullying
Bullying/harassment of students
Bullying/harassment of teachers
Caused or threatened to cause physical injury
Criminal mischief
Defiant behavior
Disorderly conduct/disrespect
Disruption on campus/insubordination
Disturbs habitually
Endangerment
False alarm/report
Felony conduct
Fighting
Forcible sodomy
Gang activity/violence
Getting another student to hit or harm
Habitual discipline problems/expulsion
Harassment
Harassment and intimidation
Hate crime
Hazing
HIB Harassment, intimidations and bullying
Homicide
Immoral
Indecent exposure
Inappropriate sexual behavior
Intimidation
Intimidation/bullying
Kidnapping
Malicious wounding
Offense against person
Offense against staff
Offensive touching of a student
Other aggression
Other major offense
Other sexual offenses
Physical attack
Physical attack with weapon
Profanity or vulgarity
Prostitution/vice
Recklessness
Rejection or exclusion
Robbery with weapon
Robbery without weapon
School threat/bomb threat
Serious bodily injury with weapon
Serious bodily injury/deadly conduct
Sexual battery of staff
Sexual battery of student
Sexual battery or assault
Sexual harassment
Sexual offense
Sexual offense other than rape
Spreading harmful rumors or gossip
Stalking
Statutory rape
Student injured beyond first aid
Suicide attempted
Suicide completed
Terrorist threat
Threat
Threat without weapon
Threat with weapon
Threat/intimidation
Threatening gestures
Verbal aggression/provocation
Violence against students
Violence against teachers
Violent incident with physical injury
Violent incident without physical injury
Weapons
Willful disobedience
Appendix E

Suggested Discipline Data Collection Categories

The following categories should be used in data collection:

1. Harassment, Intimidation, and Bullying

2. Sexual Incidents
   a. Other sexual offenses
   b. Sexual battery of staff including attempted
   c. Sexual battery of student including attempted
   d. Sexual harassment
   e. Sexual offense other than rape

3. Personal violence
   a. Aggravated Assault
   b. Assault
   c. Battery of Staff
   d. Battery of Student
   e. Homicide
   f. Kidnapping
   g. Physical attack
   h. Physical attack with weapon
   i. Robbery without weapon
   j. Robbery with a weapon
   k. Serious bodily injury with weapon
   l. Suicide attempted
   m. Suicide completed
   n. Threat without a weapon
   o. Threat with a weapon
   p. Violence against student with physical injury
   q. Violence against teacher with physical injury
   r. Violence against student without physical injury
   s. Violence against teacher without physical injury

4. Weapons
   a. gun
b. knives

c. other

5. Misbehaviors
   a. Defiant, Disorderly, or Disrespectful
   b. False alarm/report
   c. Felony conduct
   d. Other major offenses
   e. Profanity or vulgarity

6. Terrorist and hate crimes
   a. Bomb Threat
   b. Gang activity/violence
   c. Hate crime
   d. Hazing
   e. School threat
   f. School shootings
Appendix F

State Bullying Legislation Website Links

Alaska

http://www.legis.state.ak.us/basis/get_jrn_page.asp?session=24&bill=HB482&jrn=4382
&hse=H

Arizona

http://www.azleg.gov/DocumentsForBill.asp?Bill_Number=HB2368

Arkansas

http://www.arkleg.state.ar.us/SearchCenter/Pages/ArkansasCodeSearchResultPage.aspx?
name=6-18-514.Antibullying%20policies.

California

http://www.leginfo.ca.gov/cgi-bin/waisgate?WAISdocID=84870425562+0+0+0&WAISa
ction=retrieve
http://www.leginfo.ca.gov/cgi-bin/waisgate?WAISdocID=84870425562+1+0+0&WAISaction=retrieve
http://www.leginfo.ca.gov/cgi-bin/waisgate?WAISdocID=84870425562+2+0+0&WAISaction=retrieve
http://www.leginfo.ca.gov/cgi-bin/waisgate?WAISdocID=84870425562+4+0+0&WAISaction=retrieve

Colorado

http://www.state.co.us/gov_dir/leg_dir/olls/sl2001/sl_154.htm

Connecticut
http://search.cga.state.ct.us/dtsearch_pub_statutes.html

Delaware
http://delcode.delaware.gov/sessionlaws/ga144/chp014.shtml

Florida
http://www.leg.state.fl.us/STATUTES/index.cfm?App_mode=Display_Statute&URL=CH1006/ch1006.htm

Georgia

Idaho
http://www.legislature.idaho.gov/idstat/Title18/T18CH9SECT18-917A.htm

Illinois

Indiana

Iowa
http://search.legis.state.ia.us/NXT/gateway.dll/2009const/1?f=templates&fn=default.htm

Kansas

Kentucky

Louisiana
http://www.legis.state.la.us/leg_docs/01RS/CVT1/OUT/0000IV8L.PDF

Maine
Maryland
http://mlis.state.md.us/2005rs/bills/hb/hb0407e.pdf

Minnesota
https://www.revisor.leg.state.mn.us/statutes/?id=121A.0695

Mississippi
http://www.mde.k12.ms.us/lead/osos/SchoolSafety.html

Missouri
http://www.moga.mo.gov/statutes/c100-199/1600000775.htm

Nebraska
http://www.legislature.ne.gov/laws/statutes.php?statute=s7902137000

Nevada
http://www.leg.state.nv.us/73rd/bills/AB/AB202_EN.pdf

New Hampshire

New Jersey
http://www.njleg.state.nj.us/2002/Bills/AL02/83_.HTM

New York
http://public.leginfo.state.ny.us/menugetf.cgi?COMMONQUERY=LAWS

Ohio
http://codes.ohio.gov/orc/3301

Oklahoma
http://www.lsb.state.ok.us/
Oregon
http://www.leg.state.or.us/01reg/measures/hb3400.dir/hb3403.en.html

Rhode Island
http://www.rilin.state.ri.us/search/search.idq?CiRestriction=bullying&CiMaxRecordsPerPage=25&CiScope=FBilltext03%2F&CiSort=DocTitle%5Ba%5D&HTMLQueryForm=2Fsearch%2Fsearch%2Easp&Abstractt=1

South Carolina

Tennessee
http://www.michie.com/tennessee/lpext.dll?f=templates&fn=main-h.htm&cp=tncode

Texas
http://www.statutes.legis.state.tx.us/SOTWDocs/ED/htm/ED.37.htm

Utah
http://le.utah.gov/~2008/bills/hbillenr/hb0325.htm

Vermont
http://www.leg.state.vt.us/statutes/fullsection.cfm?Title=16&Chapter=025&Section=01161a

Virginia
http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+22.1-279.6

Washington

West Virginia
http://www.legis.state.wv.us/WVCODE/Code.cfm?chap=18&art=2C#02C

112
Appendix G

Proposed Comprehensive Bullying Prevention Law Criteria

The following components should be included in what is considered comprehensive bullying legislation: professional development and community involvement. The modified Dounay Model would consist of the following components:

1. Defines bullying either statewide or locally
2. Prohibits bullying by students
3. Informs students and others of anti-bullying policy
4. Enables parents and students to report bullying incidents
5. Requires teachers and school staff to report bullying
6. Provides immunity to those reporting bullying incidents and protection from reprisal, retaliation or false accusation against victims, witnesses or others with information regarding a bullying incident
7. Requires administrators to investigate reported incidents
8. Encourages or requires bullying prevention education in schools
9. Provides professional development programs related to bullying prevention and violence prevention
10. Provides school counseling services to both the bully and the victim
11. Involves the school community, parents, students, teachers, staff, and community in the strategic planning of bullying and violence prevention at the local level.
12. Funding appropriations for data collection and education programs
Appendix H

BLANK UMIRS TABLE

For completion and inclusion in the narrative of the “Demonstration of Need” section. Statewide average data shown here must be retained in application tables.

<table>
<thead>
<tr>
<th>UMIRS Data from Spring 2005 Consolidated Application, Part I</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Name</td>
</tr>
<tr>
<td>-----------</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Site A</td>
</tr>
<tr>
<td>Site B</td>
</tr>
<tr>
<td>Site C</td>
</tr>
</tbody>
</table>
Appendix I

Data collection tools used to report in the persistently dangerous schools section of the National Drug Free Schools and Community Act:

*Examples of Data collection Instruments Utilized by States*

<table>
<thead>
<tr>
<th>State</th>
<th>Data collection instrument</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alaska</td>
<td>Online Suspensions, Expulsions and Truancy Database</td>
</tr>
<tr>
<td>Arizona</td>
<td>State Education Agency (SEA) Online Collection Tool</td>
</tr>
<tr>
<td>Arkansas</td>
<td>State Education Agency (SEA) State Information System</td>
</tr>
<tr>
<td>Connecticut</td>
<td>Disciplinary Offense Record Data Collection</td>
</tr>
<tr>
<td>Indiana</td>
<td>Department of Education (DOE) Expulsion/Suspension Report</td>
</tr>
<tr>
<td>Kansas</td>
<td>No Child Left Behind (NCLB) Discipline Report</td>
</tr>
<tr>
<td>Maine</td>
<td>Maine Gun-Free School Reports and SDFS School Incident Data System Report</td>
</tr>
<tr>
<td>Maryland</td>
<td>Persistently Dangerous Schools Report</td>
</tr>
<tr>
<td>Mississippi</td>
<td>Mississippi Student Information System</td>
</tr>
<tr>
<td>Minnesota</td>
<td>Disciplinary Incident Reporting System School data on criminal citations issued</td>
</tr>
<tr>
<td>Nevada</td>
<td>as reported by the districts</td>
</tr>
<tr>
<td>Ohio</td>
<td>Department of Youth Services (DYS) MIS) and Education Management Information System</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>Unsafe School Choice Option Online Report</td>
</tr>
<tr>
<td>South Caroling</td>
<td>School Administration and Student Information System</td>
</tr>
<tr>
<td>Tennessee</td>
<td>Youth Risk Behavior Survey (YRBS)Annual Safe and Drug-Free Schools</td>
</tr>
<tr>
<td>Utah</td>
<td>and Communities Effectiveness Report</td>
</tr>
<tr>
<td>Vermont</td>
<td>Youth Risk Behavior Survey (YRBS)</td>
</tr>
</tbody>
</table>
Appendix J

Sample of a Comprehensive Bullying Prevention Law

Arkansas 6-18-514. Antibullying policies.

(a)(1) The General Assembly finds that every public school student in this state has the right to receive his or her public education in a public school educational environment that is reasonably free from substantial intimidation, harassment, or harm or threat of harm by another student.

(2) The school board of directors in every public school district shall adopt policies to prevent pupil harassment, also known as bullying.

(3) As used in this subchapter:

(A) “Bullying” means the intentional harassment, intimidation, humiliation, ridicule, defamation, or threat or incitement of violence by a student against another student or public school employee by a written, verbal, electronic, or physical act that causes or creates a clear and present danger of:

(i) Physical harm to a public school employee or student or damage to the public school employee's or student's property;

(ii) Substantial interference with a student's education or with a public school employee's role in education;

(iii) A hostile educational environment for one (1) or more students or public school employees due to the severity, persistence, or pervasiveness of the act; or

(iv) Substantial disruption of the orderly operation of the school or educational environment;

(B) “Electronic act” means without limitation a communication or image transmitted by means of an electronic device, including without limitation a telephone, wireless phone or other wireless communications device, computer, or pager;

(C) “Harassment” means a pattern of unwelcome verbal or physical conduct relating to another person's constitutionally or statutorily protected status that causes, or reasonably should be expected to cause, substantial interference with the other's performance in the school environment; and
(D) “Substantial disruption” means without limitation that any one (1) or more of the following occur as a result of the bullying:

(i) Necessary cessation of instruction or educational activities;

(ii) Inability of students or educational staff to focus on learning or function as an educational unit because of a hostile environment;

(iii) Severe or repetitive disciplinary measures are needed in the classroom or during educational activities; or

(iv) Exhibition of other behaviors by students or educational staff that substantially interfere with the learning environment.

(b) The policies shall:

(1) (A) Clearly define conduct that constitutes bullying.

(B) The definition shall include without limitation the definition contained in subsection (a) of this section;

(2) Prohibit bullying:

(A) While in school, on school equipment or property, in school vehicles, on school buses, at designated school bus stops, at school-sponsored activities, at school-sanctioned events; or

(B) (i) By an electronic act that results in the substantial disruption of the orderly operation of the school or educational environment.

(ii) This section shall apply to an electronic act whether or not the electronic act originated on school property or with school equipment, if the electronic act is directed specifically at students or school personnel and maliciously intended for the purpose of disrupting school, and has a high likelihood of succeeding in that purpose;

(3) State the consequences for engaging in the prohibited conduct, which may vary depending on the age or grade of the student involved;

(4) Require that a school employee who has witnessed or has reliable information that a pupil has been a victim of bullying as defined by the district shall report the incident to the principal;
(5) Require that the person or persons who file a complaint will not be subject to retaliation or reprisal in any form;

(6) Require that notice of what constitutes bullying, that bullying is prohibited, and that the consequences of engaging in bullying be conspicuously posted in every classroom, cafeteria, restroom, gymnasium, auditorium, and school bus in the district; and

(7) Require that copies of the notice of what constitutes bullying, that bullying is prohibited, and that the consequences of engaging in bullying be provided to parents, students, school volunteers, and employees. Each policy shall require that a full copy of the policy be made available upon request.

(c) A school employee who has reported violations under the school district's policy shall be immune from any tort liability that may arise from the failure to remedy the reported incident.

(d) The local school board of directors may provide opportunities for school employees to participate in programs or other activities designed to develop the knowledge and skills to prevent and respond to acts covered by this policy.

(e)(1) The school district shall file with the Department of Education a copy of the policies adopted in compliance with this section.

(2) The State Board of Education shall review the policies provided by the school districts and may recommend changes or improvements to the districts if the state board determines that the policies need improvement.

VITA
Abby Jane Swanson Hallford
Candidate for the Degree of
Doctor of Education

Dissertation: AN ANALYSIS OF BULLYING LEGISLATION AMONG THE VARIOUS STATES

Major Field: Education Administration, School of Education Studies

EDUCATIONAL HISTORY

Oklahoma State University
Degree: Doctor of Education in Education Administration, Leadership Studies, December 2009
Dissertation: Analysis of Bullying Legislation Among States
Certified School Administrator

The University of Tulsa
Degree: Master of Arts in School Counseling and Guidance 2002
Certified School Counselor

The University of Tulsa
Degree: Bachelor of Science in Communications 1979

PROFESSIONAL POSITIONS

University of Central Arkansas 2009-Present, 201 Donaghey Drive, Conway, AR 72035 (501) 450-5000
Title: Assistant Professor in Leadership Studies, Coordinator for School Counseling.

Jenks Public Schools 2004-2009, Jenks West Intermediate, 205 East “B” Street, Jenks, OK 73037 (918) 299-4411
Title: School Counselor

Tulsa Public Schools 2002-2004, Academy Central Elementary, 1789 West Seminole, Tulsa, OK 74127 (918) 833-8775
Title: School Counselor
Scope and Method of Study: The purpose of this study is to understand the existing state legislation concerning bullying in schools to determine whether the development, structure, and content of these state mandates parallel any change in reported incidents of bullying by public schools in each of those states. This is a descriptive and qualitative report of states’ bullying laws and their method of collecting discipline data from districts, including bullying.

Findings and Conclusions: Despite legislative efforts toward reducing school violence, such as bullying, there is no relationship between the number of reported bullying incidents and the enactment of a bullying law. There is, however, a marked decrease in incidents of school terrorism and hate crimes since 1999, a category that school shootings fall under. Bullying has been attributed as the cause of school shootings. There has been an increase in discipline reporting by most states with bullying laws, and in bullying, intimidation and harassment reporting. This focus on bullying prevention may be responsible for the reduction of school terrorist and hate crimes. There is a need for school safety reporting in a standardized way and for reporting mechanisms and benchmarks to be clearer. All discipline and school safety information should be made available to the public in an understandable and less punitive way. Bullying legislation needs to follow the example set by SDFSCA and empower communities through encouraging their involvement in establishing benchmarks and goals unique to their school for improvement. Community involvement is a fundamental factor that should be emphasized in future legislative language on school safety. Professional development, counseling services, and funding are also criteria to consider including in bullying prevention legislation. Successful bullying prevention processes should be shared with others to promote decreased school violence. There is also a need for increasing and improving the role of discipline data in planning strategies for improving school environments and safety.