

THE RELATIONSHIP BETWEEN VIRGINIA SCHOOL DIVISIONS' ANTI-BULLYING  
POLICY SCORES AND THE PERCENTAGE OF STUDENT OFFENSES OF BULLYING

by

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Liberty University

A Dissertation Presented in Partial Fulfillment

Of the Requirements for the Degree

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## ABSTRACT

State laws and policies that adhere to U.S. Department of Education (USDOE)-recommended anti-bullying legislative components have been found to reduce rates of bullying in schools. No longer considered a normal or tolerated part of childhood and adolescence, state legislation and local policy regarding bullying have experienced substantial growth over the last decade.

Consequently, state laws and local policies are currently a critical component in response to bullying behavior and yet, there is limited research that has investigated the relationship between anti-bullying policies and the prevalence of bullying. The purpose of this correlational study was to determine whether a relationship exists between the adherence of the school division's anti-bullying policy and the percentage of offenses of bullying in the school divisions of Virginia. A convenience sample of 132 Virginia school divisions was used in this study. A Spearman's rho correlation was used to determine if a statistically significant relationship existed between the variables. It was discovered that no significant relationship exists between the adherence of the Virginia school division's anti-bullying policy score as measured by the Modified Subcomponent Criterion List and the percentage of student offenses of bullying in the school divisions.

*Keywords:* bullying, statutes, law, model policy, policy

**Copyright Page**

## **Dedication**

This dissertation is dedicated to all who have been a victim of bullying.

## Acknowledgments

To my Lord and Savior, Jesus Christ, I thank you because you are truth; I thank you because you are good; I thank you because you never give up; I thank you because of who you are and always will be; I thank you because you are forever light that triumphs over darkness.

With every season in my life, there has always been a beautiful unfolding of perfectly timed glimpses of God's sovereignty, His character, and His faithfulness. This unfolding may not have always been easy, it may have been painful at times, but God has always been there to show me a distinct, perfect measure of His goodness. One of those particular glimpses that God ordained was in meeting my chair, Dr. Michael. Through Dr. Michael, God orchestrated this study, its content, and all that it has brought to light in the path set before me. Dr. Michael, your recognition that humility and submission to God precedes true wisdom has meant more to me than you can possibly understand, but only by God's sovereignty and grace did I have the honor to work under your guidance.

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Lastly, I want to express gratitude towards my family. To my husband, thank you for leadership submitted to God, for love to me expressed from your relationship with Christ. To my son, thank you for joy personified. To my parents, thank you for well, everything. To Kathy, my mom-in-law, thank you for showing me the meaning of family. To my nephew, thank you for having the courage to let God write your story.

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**List of Abbreviations**

National Center for Education Statistics (NCES)

United States Department of Education (USDOE)

Virginia Department of Education (VDOE)

Safe Schools Information Website (SSIR)

United States Department of Health and Human Services (USDOHH)

## CHAPTER ONE: INTRODUCTION

### Overview

Chapter One of this study will describe the research background of bullying and anti-bullying legislation in the United States. The problem statement section will describe the gap in the literature regarding the relationship between anti-bullying policy and bullying outcomes. The purpose section will discuss the quantitative design and goals of this study while the significance of the study will state this study's importance for legislators, school boards, and academic researchers. Chapter One will conclude with a discussion of this study's research question and definitions pertinent to bullying legislation.

### Background

One in three children is the victim of bullying in U.S. schools today (American Society for the Positive Care of Children, 2017). In the state of Virginia, according to the *2016 Technical Report of the Virginia Secondary School Climate Survey*, 35% of students reported being bullied one or more times during the week. Thirty-six percent of surveyed students reported bullying as a serious problem in school (Cornell et al., 2016). Despite its prevalence, school bullying was historically not a topic of concern for academic researchers, policy-makers, and the general public (Limber & Small, 2003; Neiman, Robers, & Robers, 2012). Traditionally, bullying was viewed as a rite of passage amongst children and youth. In 1999, however, two events provided the impetus for the United States to recognize school bullying as an endemic issue that could no longer be ignored. The Columbine school shootings pervaded the American consciousness as an act of violence that linked bullying as an underlying cause. Bullying intensified public concern, and in turn, ignited a responsive outcry for legislative action (Nickerson, Cornell, Smith, & Furlong, 2013; Stuart-Cassel, Bell, & Springer, 2011). By March 12, 2012, 49 states had passed

legislation to address bullying. Today, all states currently have some form of anti-bullying laws (U.S. Department of Health and Human Services, 2015). Prior to 1999, no states had adopted statutes that specifically addressed bullying in schools (Stuart-Cassel et al., 2011). Less recognized by the national news, but in an equally important event of 1999, the U.S. Supreme Court decision in *Davis v. Monroe County Board of Education* (526 US. 629, 1999) established school liability for failure to prevent student-to-student sexual harassment. In response, this landmark decision opened a door for lawsuits nationwide concerning victims of bullying (Cornell & Limber, 2015). In 2010, the U.S. Department of Education's Office for Civil Rights issued a directive to schools that certain types of bullying violate federal antidiscrimination laws and were civil rights violations (U.S. Department of Education Office for Civil Rights, 2010).

As national concern heightened, research knowledge began to reveal that bullying is also a societal problem. Research began to link bullying behavior to negative outcomes including depression, substance use, suicidal ideation, aggressive-impulsive behavior, and high rates of school truancy (Hall, 2017; Stuart-Cassel et al., 2011). Improved estimates of bullying prevalence also intensified concern. According to the National Center for Education Statistics (NCES), a national survey that measures school violence and student safety, approximately 21% of students surveyed ranging in the ages of 12-18, were bullied at school (Musu-Gillette, Zhang, Wang, Zhang, & Oudekerk, 2017). Further, 18% of high school students and 19% of middle school students reported problems on a daily or weekly basis with cyberbullying (Neiman, 2011).

Currently, there is no federal law that expressly governs bullying. Instead, victims can rely on federal redress if the bullying is a civil rights violation that protects students from harassment. Federal civil rights laws under the scope of Title IV and VI of the Civil Rights Act

of 1964, Title IX of the Education Amendments Act of 1972, and the Individual Disabilities Act (IDEA) all apportion schools with the responsibility of responding to student harassment on the basis of falling into an enumerated class: race, gender, religion, and disability (Kosse & Wright, 2005). As a result, to the extent that federal law does touch school bullying, it is often to address past harms for those of a protected class and even then, applies to cases most egregious in nature (Neiman et al., 2012). Incidentally, state law provides more protection for victims of school bullying than does federal law. The regulation of schools is viewed as a responsibility left to the several states under the Tenth Amendment. As a result, state laws are the legislative vehicle that most directly influences school district policy and practice in reducing bullying. Thus, carefully drafted state and local policies are imperative, but it is the words of those statutes and policies that are most critical (Hanks, 2015).

State laws (in state education codes) lay the groundwork in legislation for government agencies to outline its directives in a model policy. From this model policy, local school districts craft and implement anti-bullying policies within their respective districts (Neiman et al., 2012). Therefore, policy content has the ability to influence a vast array of actions throughout the school district. Further, policy design is crucial in that it may result in either positive or negative outcomes (Hall, 2017).

State legislatures have attempted to address school bullying with statutes that specifically address bullying in some degree. While no two laws are identical, state laws do typically follow components and include similar provisions (Neiman et al., 2012). With no federal legislation specific to bullying, it is common practice for states to look for federal guidance in how to address specific areas of concern (Marx & Baker, 2017). In 2010, the U.S. Department of Education (USDOE) responded to requests for assistance in drafting bullying laws and policies

by issuing a guidance document entitled, *Anti-Bullying Policies: Examples of Provisions in State Laws*. The document identified key policy components that had been included in state bullying statutes up until 2010. The USDOE provided examples of comprehensive and detailed laws from several states and organized the key components into 11 categories or components (Stuart-Cassel et al., 2011). Following the release of the guidance document, the USDOE and of Health and Human Services (USDHHS), sponsored a study to analyze the content of state anti-bullying laws in order to determine what critical policy elements of bullying laws and policies were included that were also consistent with the guidelines released a year prior to the study by Education Secretary Arne Duncan (Cammack, Sidway, Brandt, Lever, & Stephan, 2012). After investigating anti-bullying legislation that applied to 98,000 K-12 public schools and protected over 50 million students from involvement in bullying, the study revealed that although some state laws and district policies revealed some measures of consistency, there was evident variability in the inclusion of policy components (Hall, 2017; Stuart-Cassel et al., 2011). Some laws and policies were identified as stronger than others; some lacked any teeth.

In the state of Virginia, school boards have been required to include bullying in their student codes of conduct as a prohibited behavior (Va. Code Ann. § 22.1-279.6.D, 2011) and were mandated to implement policies and procedures to provide education to school board members about the pressing need for a bully-free environment (Va. Code Ann. § 22.1- 291.4, 2011) since July 1, 2014. In 2011, the Virginia General Assembly's House Joint Resolution 625 (2011) required the Virginia Department of Education (VDOE) to study the anti-bullying policies of each local school division (Virginia Department of Education, 2017a). The purpose of the VDOE's study was to address and prevent bullying in the public schools of Virginia by adopting a model policy that would in turn help local school boards craft policies that would



formulate procedures to report, investigate, and intervene in bullying occurrences (Virginia Board of Education, 2013). As a result, the 2013 Virginia General Assembly developed a model policy in their amended code § 22.1-276.01 that defined bullying (Virginia Department of Education, 2017a). As a part of legislation, school divisions were charged to include the statutory definition of bullying which at a minimum should be consistent with the definition adopted by the General Assembly (Virginia Department of Education, 2017a). Further, an appendix of the study set forth a sample board policy for those school boards who will expand on the definition and describe the ramifications of all involved in incidents of bullying (Virginia Board of Education, 2013). In addition, strategies for the intervention and prevention of bullying were also included in the board-approved document as well as information pertaining to the procedural processes of reporting, investigating, and recording incidents of bullying. Further, a basic assumption of the model policy called for school divisions to marshal the efforts of the school and its surrounding community in order to promote the reporting of bullying, to use data to bolster a reduction in bullying, and to improve methods of prevention (Virginia Board of Education, 2013).

The VDOE implores its school boards and leadership to adopt policies that are comprehensive and explicit with two overarching goals that not only establish bullying as an intolerable act but also deters its prevalence (Virginia Board of Education, 2013). Further, the law mandates that school divisions ensure compliance in all federal and state laws that address bullying (Virginia Board of Education, 2013). Despite this level of concern and the widespread legislative activity on bullying, the disparate nature of school board policies has consequently identified gaps and inconsistencies in its implementation and effectiveness (Hall, 2017; Stuart-Cassel et al., 2011). As a result, there is concern that despite the enactment of bullying

legislation, school districts may not be addressing bullying uniformly or with any degree of severity. In turn, the promise of bullying legislation to reduce bullying is easy to dismiss, but cannot be ignored.

### **Problem Statement**

In the face of increased pressure to mitigate bullying problems and to create stronger school policy, state legislation to deter bullying has been remarkably active. Despite this growth, the problem is that research evaluating the effectiveness of anti-bullying policies in reducing bullying is extremely limited (Hatzenbuehler, Flores, Cavanaugh, Onwuachi-Willig, & Ramirez, 2017). This is especially problematic in light of a recent study that concluded compliance with U.S. Department of Education (USDOE)-recommended anti-bullying policy components reduced rates of bullying in schools. Conducted by researchers at Columbia University and the University of Iowa, the study found that those students who attended schools in states with at least one of the USDOE-recommended legislative components in their school's anti-bullying law had 24% lower odds reporting being bullied and 20% lower odds of reporting being cyberbullied (Hatzenbuehler, Schwab-Reese, Ranapurwala, Hertz, & Ramirez, 2015). In sum, research is promising regarding the relationship between anti-bullying policies and reduced rates of bullying; however, research is limited in exploring this relationship (Gower, Cousin, & Borowsky, 2017). In an effort to address the lack of literature regarding anti-bullying policies and their effectiveness, Hall (2017) conducted a systematic review of 21 studies narrowed from a search that yielded only 489 since January 1, 1995. In this review, it was concluded that most studies considered the presence or absence of a policy as opposed to analyzing policy content (Hall, 2017). Further, only five studies reported findings on the content of the policy and student bullying outcomes (Hall, 2017). Hall (2017) concluded that policy content should be analyzed in

order to determine not only which policies work, but to identify policy components that are most impactful in reducing bullying behavior. The issue with this is that although the state's anti-bullying law might align with one or several of the USDOE-identified key policy components, school districts may not have revised board policies to reflect state law or the state's model policy. As a result, the policy loses adherence to state law and USDOE guidelines leaving questions unanswered as to how well law and policy translate into practice at the school level (Stuart-Cassel et al., 2011). Local policy provides direct influence in guidance and implementation of bullying prevention and strategy in schools.

Local law and policy are measures that implement state law and are therefore accepted as integral components of current responses to bullying. Further, with concurrent available evidence that anti-bullying policies do reduce the rate of bullying, it is critical to begin to address the gap in the literature that warrants understanding of the relationship between school districts' existing policies and current bullying behavior.

### **Purpose Statement**

The purpose of this quantitative correlational study was to determine the relationship between the predictor variable, adherence of the anti-bullying policies of the school divisions of Virginia, and the criterion variable, or percentage of student offenses of bullying in those school divisions. The predictor variable was obtained from the school board policies and local student codes of conduct that represent the 132 public school divisions of Virginia. The Modified Subcomponent Criterion List was used to analyze the adherence of each school division's policy based on six measures. The six measures included a definition of bullying, reporting of bullying incidents, investigations, written records, sanctions, and mental health referrals. The criterion variable, percentage of student offenses of bullying, was retrieved from archival data located on

the 2016 – 2017 Safe Schools Information Resource (SSIR) website that is accumulated and maintained by the Virginia Department of Education (VDOE).

### **Significance of the Study**

All states have required school districts to develop anti-bullying policies. Despite the ubiquity of legislation and policy, empirical study of the impact and effectiveness of anti-bullying laws and policy in reducing bullying is in a state of relative infancy (National Academies of Sciences, Engineering, and Medicine, 2016). Accompanying the rising attention from legislatures, the U.S. Department of Education (USDOE) and of Health and Human Services (USDHHS) sponsored a study in 2010 that investigated the scope of state anti-bullying legislation in order to determine the inclusion of critical policy elements (Stuart-Cassel et al., 2011). The overarching goal of the study was to address the current status of state anti-bullying legislation and to provide technical assistance to states and localities as they drafted or revised laws that would decrease the number of incidents of bullying (NASEM, 2016; Stuart-Cassel et al., 2011). Most importantly, the study investigated the scope of anti-bullying legislation in order to determine whether or not critical policy elements were included (Stuart-Cassel et al., 2011). Recognized by the USDOE as policy components to be included in state and local laws and policies on bullying, these components not only act as a framework to help guide the sound development of anti-bullying policies but also act as a means to assess those currently in existence (NASEM, 2016).

This study is significant in that it will extend the work of Stuart-Cassel et al. (2011), which reviewed the extent to which state law adhered to policy components but did not determine the degree that school boards revised policies to reflect state law. Additionally, this study will also investigate the extent that Virginia public school division policies have

incorporated the state's model policy by applying the six USDOE policy subcomponents as was utilized in the Stuart-Cassel et al. (2011) study. To the full extent that a school division policy has incorporated Virginia's model policy and recommended USDOE policy components, it will be deemed a policy in adherence to the state's model policy as well as USDOE-identified guidelines. Thus, this study will allow further exploration of the relationship between the degree to which Virginia's model policy is being translated into practice at the local school division level and the school division's percentage of bullying offenses. According to Hall (2017), who conducted a comprehensive systematic review of the literature regarding bullying legislation, policies vary to a large degree in the manner they are written. Some are long, unclear, vague, and contradictory. Other policies, however, are concise, clear, and very specific (Hall, 2017). As a result, there is a need for evidence-based research that addresses what components that a state or local policy must have in order to reduce bullying. This study will address the existing gap in the literature identified by Hall (2017) in assessing the effectiveness of anti-bullying policy in reducing bullying behavior. With substantial variations in law and policy across jurisdictions and the limited research on the implementation and evaluation of such laws, there remains opportunity for identification of the most effective law and policy frameworks that will most positively impact bullying (NASEM, 2016). Consequently, empirical examination of anti-bullying legislation and policy is now more pressing as consistency with USDOE-identified legislative components has emerged in recent study as a means to reduce bullying outcomes (Hatzenbuehler et al., 2015).

This study may provide insight to Virginia school boards and other interested stakeholders who will gain understanding as to the merit of their current bullying policies and their effectiveness in reducing bullying. This study will also enhance the understanding of state

legislatures and school boards in their potential to strategize, craft, and support school anti-bullying policies that will potentially diminish bullying offenses (Stuart-Cassel et al., 2011). Since local policy provides the most influence for implementing bullying prevention and strategy in schools, this study will provide a critical link in information that flows in the chain of state law to the school boards that impact students most directly. The findings of this study may guide school division officials in evaluating the effectiveness of their current policy and whether it protects students who are being bullied. Further, if there is a deficiency in the school division policy, then findings should impress upon the school board to more closely conform to the state's model policy and DOE policy components. Moreover, according to the Center for Public Education, compliance and prevention represent both sides of the legal equation in terms of public school districts (Darden, 2006). This study may serve both goals in allowing school division personnel insight with which to develop proactive policies that are compliant with all necessary and potential preventative requirements instead of relying on reactive measures. In this way, potential litigation may be avoided.

### **Research Question**

**RQ1:** Is there a relationship between the adherence of the Virginia school division's anti-bullying policy and the percentage of student offenses of bullying in the school division?

### **Definitions**

1. *Bullying* – Bullying is a definition that within the research literature is omnibus in nature. It conventionally has three characteristics in its definition: 1) intentional aggression, 2) a power imbalance between aggressor and the victim, 3) repetition (Olweus, 2013; Cornell & Limber, 2015).

2. *Bullying*—“Bullying means any aggressive and unwanted behavior that is intended to harm, intimidate, or humiliate the victim; involves a real or perceived power imbalance between the aggressor or aggressors and victim; and is repeated over time or causes severe emotional trauma. ‘Bullying’ includes cyber bullying. ‘Bullying’ does not include ordinary teasing, horseplay, argument, or peer conflict” (Va. Code Ann. § 22.1- 276.01, 2011).
3. *Cyberbullying* – the use of information and communication technologies, such as social networking websites, cell phone text messages, internet email and pictures, defamatory personal websites and personal polling online websites, to support the deliberate and hostile behavior that is intended to harm another (Virginia Department of Education, 2017).
4. *Regulatory policy* – formalized rules expressed in very general terms and are applied to large groups of people. Such policies can either be used to reduce or expand alternatives to those who are regulated (Fowler, 2013).
5. *Statutes*—Laws enacted by legislatures and are adopted by a majority vote in Congress and state legislatures. The terms policy and law are not identical and not every statute contains the policy (Fowler, 2013).

## **CHAPTER TWO: LITERATURE REVIEW**

### **Overview**

Chapter Two will discuss the conceptual framework for this study and the related research. Bullying will be overviewed in its frequency, consequences, and in its definition. Research related to the constitutional issues that pertain to bullying and its potential to violate civil rights laws will be discussed in the context of case law and federal guidance. State legislation concerning bullying and the current model policy of Virginia will also be examined.

### **Conceptual Framework**

The conceptual framework guiding this study comes from the dynamic confluence of federal guidance, state legislation, and local policy. Bullying policies at the state and local levels exemplify the convergence of local policies, state statutes, and federal civil rights laws. To conceptually understand the hierarchy and integration of laws unique to a democratic system of governance, a broad picture is best formed from the top at the federal level in order to funnel down to a visualization of law at the state and local levels. The same conceptualization applies to how the issue of bullying is addressed at the federal, state, and local levels of government. As a nation under the rule of law, a system of constitutional checks and balances limits the power of the federal government and enables a protective balance between states and their collective citizenry. Under the Tenth Amendment to the U.S. Constitution, powers not expressly delegated to the federal government are reserved to the states. Therefore, the federal government operates within the powers delegated to it under the Constitution (Dayton, 2012). Under this principle, state and local branches of government are to protectively guard their own powers from intrusion by the federal government. Education is one area not expressly mentioned as a federal power in the Constitution; consequently, it is reserved to the states as a state function. Despite being a



power left to the states, public education is a power that does have reach from the federal government. Civil rights legislation under the Fourteenth Amendment, funding grants that entail the use of federal funds, and federal court decisions that involve public schools collectively combine to extend the federal arm of government to the states' operation of public schools (Dayton, 2012). As a result, there is continuous debate regarding the balance of power between federal and state control in education (Dayton, 2012). Despite its reach, however, states still exercise broad powers over education and generally, this authority falls to the state legislative branch of government, or the State General Assembly. The importance of education and the vested role of support from the state General Assembly are exemplified in the state budget, as education is often the largest item (Dayton, 2012). All 50 states' constitutions delegate the responsibilities of creating public schools and supporting those schools to the state's General Assembly (Dayton, 2012). Under this plenary authority, the General Assembly enacts state legislation or statutes that govern finance, student attendance, discipline, school curriculum, as well as terms of employment for teachers and reasons for dismissal (Dayton, 2012).

Administrative branches of government, including the State Board of Education, create policies and regulations that allow for the administration of state statutes pertaining to education while local school boards are charged with the responsibility to follow those statutes at the local level (Dayton, 2012). Since state statutes are often worded in very general terms, necessary details that are essential for putting them into practice are not specifically written into the statute (Fowler, 2013). Details are usually spelled out through the use of rules and regulations developed at the state level by government agencies like the state department of education. Often, as a part of this process, state agencies via the Board of Education, develop model policies for codes of student conduct in order to guide local school boards with the development and oversight of school

policies. Consequently, rules, regulations, and model policies that address bullying at the state level help clarify and shape policy at the local level. In the state of Virginia, the Virginia General Assembly charged the Virginia Board of Education with the task of drafting bullying legislation in HB1871. As a result, the Virginia Board of Education developed a model bullying policy for the recommended use and potential adoption by all Virginia school divisions.

## **Related Literature**

### **Overview of Bullying**

For two decades, educational research has demonstrated that one of the most enduring and damaging problems facing schools today is bullying (Weddle, 2004). In contrast to the long perceived notion that bullying is a tolerated rite of passage into adulthood, it is now recognized as a public health issue with pervasive and far-reaching consequences (National Academies of Science, Engineering, and Medicine, 2016). With rising numbers of suicides in youth, bullying is an issue that is no longer pushed aside as just an accepted part of being a kid (Brookshire, 2014). Rising concern at the national, state, and local level has prompted a high profile role in preventing bullying in the fields of public health, education, and the law (Hanks, 2015; Sabia & Bass, 2017). The compounding seriousness of bullying coincides with an emerging focal point of law and legislation. According to the Fourth Circuit Court of Appeals in *Kowalski v. Berkeley County Schools*, (2011) bullying is a major issue that leaves a severe and profound mark on students who are bullied, witness bullying events, as well as for those who perpetrate acts of bullying (Hanks, 2015). In 2010, a federal government initiative recognized bullying in schools as a national concern in schools across the United States leaving victims with consequences of depression, anxiety, fear of going to school, and suicidal thoughts (*Kowalski v. Berkeley County Schools*, 2011). Since public education remains in the charge of the state and local governments,

laws at these levels have been adopted in an effort to prevent bullying; however, variations in law and policy and the early stages of anti-bullying laws leave room for identification of the effectiveness of policy frameworks that address bullying and whether those laws and policies reduce bullying (Hanks, 2015). As the issue of bullying prevalence and victimization continues to grow, current responses to bullying must also take into account what is known about bullying and its consequences and frequency.

Bullying is a dangerous behavior that continues to grow in its detrimental effects on schoolchildren across the U.S. (Brookshire, 2014). It is not uncommon for bullying types of behavior to begin as early as preschool, although the middle school years often demonstrate its peak (NASEM, 2016). Bullying has a myriad of settings and can occur on school property in the classrooms, gyms, and cafeterias, on school buses, and also online (Stuart-Cassel, Bell, & Springer, 2011). Despite the fact that exact and precise measurements of bullying can be difficult to accurately identify and can differ across multiple studies, it is clear from surveys that measure disciplinary issues pertaining to bullying within school environments that the number of youth exposed to acts of bullying is both sizable and widespread (NASEM, 2016; Stuart-Cassel et al., 2011). One of the most recent national surveys from the National Center for Education Statistics (NCES) provides insight into the frequency of disciplinary responses by school administrators to bullying-related problems. In the survey, approximately 39% of administrators at the middle school level reported the occurrence of bullying on daily or weekly levels while 20% of elementary and high school administrators reported daily or weekly bullying (Neiman, 2011; Stuart-Cassel et al., 2011). NCES survey findings also measured the frequency of students who were targeted with bullying behavior within the last school year. In response, nearly 20-25% of students ranging in age from 12-18 years old reported being bullied at school and approximately

the same percentage reported cyberbullying (Hinduja & Patchin, 2010; Holben & Zirkel, 2014; Stuart-Cassel et al., 2011).

As estimates of bullying prevalence continue to improve, research is also expanding regarding the mounting evidence related to the detrimental health and social consequences of bullying behavior (Hinduja & Patchin, 2010; Holben & Zirkel, 2014; Stuart-Cassel et al., 2011; NASEM, 2016). There are consequential effects for both the bullied and the bully. Bullying is now seen as a thread between school violence, homicide, and suicide and has been linked to long-term socio-emotional effects. Perpetrators of homicide are twice as likely to have been victims of bullying, according to Kosse and Wright (2005). Further, research has demonstrated that students who bully on a regular basis through their middle school years, without intervention, are three times as likely by the age of 24 years old to have at least one criminal conviction (Olweus, 2003). The relationship between criminality and bullying behavior was explored in one study that concluded an approximate 60% of boys who were bullied in middle and high school were convicted of at least one or more crimes before reaching 25 years of age (Fox, Elliot, Kerlikowske, Newman, & Christenson, 2003). In the same study, 40% of the 60% of boys convicted of at least one crime under the age of 25 years old were also found to have three or more convictions (Fox et al., 2003).

Apart from issues of violence and homicide, suicide and substance abuse are also devastating effects of bullying. In a study of 2,000 middle school students, conducted by Hinduja and Patchin (2010), those youths involved in either traditional bullying or cyberbullying as either offender or victim, had more suicidal thoughts and attempts than those not involved in bullying. Victims of bullying encounter greater risk of drug or alcohol abuse at an earlier age than their non-bullied counterparts, exhibit poor social skills and mental health problems, and also display

aggressive-impulsive behaviors as adults while either in the workplace or in personal relationships (Garbarino & deLara, 2003; Holben & Zirkel, 2014; Stuart-Cassel et al., 2011).

Notwithstanding the negative socio-emotional consequences of bullying, there are also outcomes associated with bullying that are especially important for educators. School attendance for victims often plummets in the wake of bullying activity at school as studies have demonstrated that students who are repeatedly bullied not only fall behind in academic achievement but also experience higher truancy and discipline problems (Holben & Zirkel, 2014; Stuart-Cassel et al., 2011).

As concern continues to rise over the devastating physical and emotional effects related to bullying, increased pressure to mitigate its consequences also coincides with an evolving legal and policy environment that is still in the process of discerning all that is and is not an act of bullying.

## **Bullying**

The definition of bullying is one that is difficult to ascertain and is omnibus in nature. Without a universally accepted definition, establishing a rigid definition is similar to Justice Potter Stewart's reaction to identifying obscenity in *Jacobellis v. Ohio* (378 U.S. 184, 1964) summarizing that he would simply know it when he saw it (Holben & Zirkel, 2014). Despite its heterogeneity amongst researchers and lawmakers, there is some agreement that certain key elements be identified in an operational bullying definition (Farrington, 1993). The United States Department of Health and Human Services (USDHHS) has identified elements that are generally accepted as criteria of bullying in its definition. According to the USDHHS, bullying is a repeated aggressive, unwanted behavior that occurs amongst children who are of school age (5-18 years old), involves a power imbalance that is either real or perceived, and purposefully

harms the victim (Olweus, 2013; Park, 2014; Sabia & Bass, 2017). This definition reflects commonalities in the definition of bullying that are consistently present. According to Dan Olweus, a Scandinavian researcher who studied bullying at national levels in Sweden and Norway, bullying stipulates three elements: 1) intentional harm or aggression towards another student; 2) involves repetition of the behavior over a period of time; and 3) the victim is unable to render defense because of an imbalance of power (Holben & Zirkel, 2014).

In these definitions, the requisite *mens rea* for bullying is provided under the concept of intentional human aggression, defined as a behavior directed at another person with the proximate or immediate intent to inflict harm (Park, 2014). Intentional aggression is a comprehensive term that includes direct and indirect forms of bullying that are physical, social, or verbal. Thus, aggressive behavior comes in many forms. Under this broad criterion, certain types of bullying can intersect with other behaviors such as hate crimes, sexual harassment, criminal assault, or extortion (Cornell & Limber, 2015). On the other end of intentional aggression, however, fall milder behaviors of bullying that make it less distinguishable from peer conflict, horseplay, and teasing (Cornell & Limber, 2015). According to Dan Olweus (1993), there are distinguishing features between direct and indirect bullying and are delineated into three categories. The first category, direct bullying, involves attacks on a victim that are open and visible (Olweus, 1993). Physical bullying, a form of direct bullying, is most widely recognized to include kicking, hitting, pushing, spitting, and other forms of physical aggression towards another individual (Brookshire, 2014). Indirect bullying, the second category, centers on harmful social rejection and intentional peer exclusion (Olweus, 1993). Forms of indirect bullying are often referred to as relational victimization and center on emotional pain caused by peer group manipulation and ostracism (Bjorkqvist, Lagerspetz, & Kaukiainen, 1992; Crick &

Grottpeter, 1995; Crothers & Levinson, 2004). Also referred to as social bullying, or relational bullying, a person's reputation is harmed as a result of indirect bullying and can often involve public humiliation (Brookshire, 2014). The third category, verbal bullying, recognizes direct verbal aggression as a form of bullying and encompasses peer accusations, teasing, taunts, and name-calling (Bjorkqvist et al., 1992; Brookshire, 2014; Crothers & Levinson, 2004).

A core element of bullying is the criterion that there is a power imbalance between both the aggressor and victim. According to Cascardi, Brown, Iannarone, and Cardona (2014), if a definition of bullying only included intentional aggression, bullying could not be distinguished from peer aggression occurring between equals. This criterion distinguishes it from other forms of social conflict but is also challenging to assess in both form and context. An imbalance of power is identified in the use of physical strength, popularity, or an existing access to humiliating information in a way that controls or brings harm to another individual (Park, 2014). According to Olweus (1993), a power imbalance between the target and the perpetrator identifies acts of bullying in that the target is left unable or has difficulty in defending him or herself and is powerless in the face of the aggressor. This scenario is then repeated between the same individuals over a period of time (Olweus, 1993). In the case of physical bullying, size and apparent strength are often recognizable; however, bullying frequently occurs at the verbal and social levels between peers. Therefore, the element of power imbalance often hinges on an assessment of power within the victim's peer status, confidence levels, or cognitive abilities (Cornell & Limber, 2015; Olweus, 2013). Bullying essentially establishes social dominance through acts of aggression creating an imbalance of power between the victim and the perpetrator since the victim is unable to deflect bullying behavior in the lack of peer integration, lack of skill, or inability to establish peer subgroups (Crothers & Levinson, 2004). To add further

difficulty, power is a quality that is in constant change and varies across scenarios. An incident of sexual harassment, for example, may occur without a power differential and an assault still falls under physical assault even if the victim did not lack observable strength or size (Cornell & Limber, 2015). Despite its issues, the vacillating element of power poses challenges, but is also necessary in the differentiation of bullying from other milder forms of peer aggression (Cornell & Limber, 2015).

Repetition involves an ongoing occurrence or the possibility of perpetuated occurrences (Park, 2014). Currently, it is recognized that a single incident is enough to constitute bullying as it is and has potential to be repeated (Cornell & Limber, 2015). To illustrate this concept, a single incident of peer aggression may rise to the level of bullying when viewed in the context of prior episodes (Cascardi et al., 2014). Yet, the requirement of repeated victimization is varied amongst researchers as it leads to difficulty in measurement of prevalence rates. Some researchers include in their operational definition only single events that indicate bullying for measurement purposes; others restrict the definition to only include multiple incidents of bullying (Esbenson & Carson, 2009). Each scenario provides a different effect for the estimates of the prevalence rates of bullying. For example, researchers demonstrated this issue related to measurement when a list of 16 specific behaviors was submitted to students with a single question that asked if students had experienced verbal or physical bullying at least once during a timeframe of one week (Esbenson & Carson, 2009; Stockdale, Hangaduambo, Duys, Larson, & Sarvela, 2002). Prevalence rates indicated that 76% of sampled students reported verbal bullying and 66% of students reported physical bullying that occurred at least once during the one week. In the alternative, when sampled students were presented with a definition that listed elements similar to the Olweus criteria and asked students to indicate whether they had been bullied within the



last school term, prevalence rates were decreased (Esbenson & Carson, 2009; Forero, McClellan, Rissel, & Bauman, 1999). Although there can be reporting period issues with the types of questions asked of students to measure bullying and the reported time frames included, there is greater consensus within scholarly research that supports the fact that bullying be repetitive, occurring over an extended period of time (Cornell & Limber, 2015; Esbenson & Carson, 2009; Espelage & Swearer, 2003; Gladden, Vivolo-Kantor, Hamburger, & Lumpkin, 2014).

Alongside in persona bullying is the emerging type of bullying known as cyberbullying and is commonly defined as a repeated type of willful harm inflicted through digital communications (Hinduja & Patchin, 2008; Stuart-Cassel et al., 2011). Bullying behavior has become even more complex with advances in technology and the coinciding growth of social networking sites. Although this form of bullying is an evolving form that is less understood, what is clear is that it is a pervasive form of bullying that imposes physical distance between those students who bully and those targeted as victims (Stuart-Cassel et al., 2011). Two aspects that make cyberbullying a difficult form to assess are repetition and imbalance of power that are determinative of face-to-face bullying (Conn, 2013). Researchers debate whether to include the repetitive aspect of face-to-face bullying or to merely rely on the fact that cyberbullying allows for bullying content online to be accessed repeatedly by numerous individuals (Conn, 2013; Sticca & Perren, 2013). Further, the imbalance of power element distinctive for face-to-face bullying also presents issue in the fact that a peer perceived as less powerful might use technology to bully a peer who would ordinarily be perceived to have greater power altering the power differential normally associated with bullying (Conn, 2013; NASEM, 2016). Regardless of the difficulty in conceptualizing and defining all that cyberbullying might entail, it is nevertheless worthy of consideration given the fact that its expressive nature can be

constitutionally problematic. Since cyberbullying inherently involves expression, the First Amendment influences the action of the government as does the Due Process Clause of the Fourteenth Amendment guides anti-bullying statutes and policy content (Hanks, 2015).

### **Constitutional Issues**

The First Amendment guarantees the freedom of speech, but the guarantee is not absolute as there are limitations on certain types of speech. Applied to the states through the Due Process Clause of the Fourteenth Amendment, student speech falls under the protection of the First Amendment. Within public education, it is generally understood that a student does not shed their right to free expression “at the schoolhouse gate” (*Tinker v. Des Moines Independent Community School District*, 1969, p. 503).

As the leading free speech case, the Supreme Court held in *Tinker v. Des Moines Independent Community School District* (1969) that the speech in question create or will reasonably create a substantial or material disruption to the operation and discipline of the school environment in order for the school to regulate student speech (Dayton, 2012; Hanks, 2015). In articulating this standard, the Court required a threshold showing of a material disruption in order to distinguish between student speech that requires First Amendment protection and student speech subject to school regulation (Dayton, 2012). The *Tinker* test does not require a school to prove an actual disruption, but rather, a school need only show that they reasonably anticipate a material interference with the operation of their school through evidence of surrounding facts (Dayton, 2012). In *Tinker*, the Supreme Court protected students’ rights to free speech while at school. Constitutional issues, however, arise most significantly with cyberbullying when the pernicious and bullying speech is made off campus. State statutes that grant a school with the authority to discipline off campus speech provided that it creates a

material disruption at school are of particular concern. Thus, the threshold issue surrounding cyberbullying often hinges on whether or not the speech is student speech at its onset because if not, then the material disruption standard of *Tinker* would not apply (Weddle, 2012). As a result, the speech would be private speech and therefore, subject to the protection afforded by the First Amendment. Yet, even under the First Amendment, there are types of student verbal expression that can be regulated although it occurs on school grounds. For example, the Supreme Court in *Bethel School District No. 403 v. Fraser* (1986) held that schools may restrict lewd speech provided that the speech meet the qualification of being inconsistent with their educational mission. As a third pillar case of student speech law, the Supreme Court established in *Hazelwood School District v. Kuhlmeier* (1988) that schools have authority to prohibit speech of school-sponsored activities if reasonably deduced that the speech can be attributed to the school. Under these pillar cases, the Supreme Court set the standard for student speech rights as applied to school sponsored forums and established that schools show pedagogical concerns in terms of limiting student speech (Speraw, 2010; Dayton, 2012). Thus, the *Fraser/Hazelwood* test requires a lower threshold of proof than does *Tinker* and as a result, school officials were left with an easier ability to exercise control over student speech that occurred in a school environment (Dayton, 2012). Although *Tinker*, *Fraser*, and *Hazelwood* are well-established for governing student speech in the physical world, there is left inherent vagueness for anti-bullying statutes and policy regarding speech that occurs in the cyber world (Dayton, 2012; Speraw, 2010).

The Internet does provide a means for students to reach across the notorious schoolhouse gate, but the gate swings in two directions for students (Weddle, 2012). Students who do enter the metaphorical gate are subject to the Supreme Court's rendering of the school environment as one with special characteristics that allow schools to regulate student speech under the *Tinker*

standard (*Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 1969; Weddle, 2012). Students who exit the gate are again afforded First Amendment protections. The issue raised with cyberbullying, then, is the degree of responsibility that a school has over the student's speech that occurs off campus, especially if school officials have knowledge of or could reasonably know of the damaging speech (Weddle, 2012). Incidentally, the degree of reach appropriate for school jurisdiction related to off-campus speech and whether that speech is beyond the legitimate authority of schools are questions of new responsibility for schools (Dayton, 2012). Therefore, cyberbullying opens unmarked territory for schools as school officials are in the unique position to either address the online misconduct and have that decision revoked by a judge for violation of free speech, or in the alternative, to forego protective action for the victim and be found indifferent and negligent (Dayton, 2012). Emerging case law regarding cyberbullying and off campus speech largely becomes divided into two categorical themes: cases upholding the school district's right to regulate and cases rejecting the right of the school district to regulate off campus speech (Hanks, 2015). Ultimately, court rulings related to this area are based on a totality of the circumstances with rulings that uphold the school's disciplinary measures towards the student's off campus speech and also upholding the student's free speech right (McCallion & Feder, 2013). As states continue to require school officials to protect students from bullying and cyberbullying under more clearly defined arms of jurisdiction, these statutes will also bring further challenge to school officials who fail to take action under those statutes (Dayton, 2012). Yet, even state statutes are not without pause for possible constitutional concerns.

The scope of anti-bullying legislation not only invites issues with the First Amendment, the increase in scope also raises concern with the Due Process Clause of the Fourteenth Amendment (Cascardi et al., 2014). Notorious for restricting the states from denying persons the

right to life, liberty, or property without due process, the Due Process Clause assures citizens of adequate notice, the opportunity to be heard, and of fundamental fairness. As a vanguard to these aforementioned protected rights, the Due Process Clause prevents government action that might result in an abuse of power or decisions made in error (Dayton, 2012). Even when a government official acts in good faith, the powerful role of procedural and substantive checks and balances ensures fairness in both procedure and substance as protection from a government official's mistakes or bad decisions (Dayton, 2012). Thus, procedural due process allows for fairness in government proceedings while substantive due process requires fairness in the actions of government, especially in terms of private and fundamental liberties. Further, as a part of the Due Process Clause, the vagueness doctrine also declares that criminal statutes lacking in specificity and definiteness may be void for vagueness (Dayton, 2012; McCallion & Feder, 2013). If an average person cannot discern what type of conduct is prohibited, what might be the punishment, and who might be regulated, then courts can determine that the law is void for vagueness (McCallion & Feder, 2013). This especially applies to state criminal statutes that have the ability to punish individuals for prohibited behavior not reasonably known (Hanks, 2015; McCallion & Feder, 2013). As a result, procedural due process requires that adequate notice is required for persons whose conduct might be punishable so as to prevent arbitrary and capricious enforcement of statutory law.

In relation to anti-bullying policies, courts may apply due process principles, but the excessive vagueness requirement applies to student codes of conduct with a greater degree of deference than state criminal statutes. Reflecting this deference, in *Rose v. Locke* (1975), the Supreme Court noted in its decision regarding the review of a criminal statute for vagueness that the void for vagueness issue is not a means to invalidate statutes that could reflect greater

precision as the English language is marked by uncertainty. Clarifying further, the Court reiterated that the requirement of the Due Process Clause is that the law provide warning sufficient enough that men can avoid the forbidden behavior (Hanks, 2015; *Rose v. Locke*, 1975). Moreover, the Supreme Court held in *Bethel School District No. 403 v. Fraser* (1986) that the overarching need for the school to enforce disciplinary measures for a wide range of behavior that is disruptive to education superimposes the detail required in drafting criminal sanctions. Yet, even with the deference afforded to public schools in drafting student codes of conduct, school boards are not outside the constitutional umbrella. In *Flaherty v. Keystone Oaks School District* (2003), a federal district court held that the policies in the student handbook regulating discipline and technology were overreaching and in violation of students' rights to free speech (McCallion & Feder, 2013). The Pennsylvania federal district court held that the school board's policies were unconstitutionally vague in both definition and application exemplified in the policy language that discipline is authorized where a student's abusive, harassing, offending, or inappropriate expression interferes with the school's educational program (*Flaherty v. Keystone Oaks School District*, 2003). Ruling that the discipline policy was overbroad and did not comply with the material disruption standard set by the Supreme Court in *Tinker*, the court also noted that the terms of abusive, harassing, offending, or inappropriate were not clearly defined to avoid vagueness and arbitrary enforcement (McCallion & Feder, 2013).

In sum, achieving a balance between the authority of schools to police students and the constitutional rights students are afforded is an evolving and ongoing challenge (NASEM, 2016). As state law expands to capture student speech beyond school grounds, parameters of student's rights and the latitude of school authority will continue to be revisited in future litigation. As a result, dilemmas associated with the defining elements and parameters of bullying, including

cyberbullying, continue to pose constitutional challenge not only for legislators, policymakers, and school officials but also for victims who might allege a civil rights infringement.

### **Civil Rights Laws and Harassment**

The U.S. Department of Justice and Education enforces civil rights and antidiscrimination laws for protected classes of individuals who are victims of harassment (NASEM, 2016). Federal law, according to Cornell and Limber (2015), uses the term harassment interchangeably with bullying although the history of the established civil rights laws regarding harassment precedes the maturing law and policy of bullying. As a form of discrimination, harassment was first introduced in the context of public education within the Civil Rights Act of 1964 (Hinduja & Patchin, 2011). Title VI of the Civil Rights Act of 1964 protects individuals on the basis of race, national origin, and ethnicity against discrimination. The Civil Rights Act was followed by Title IX of the Education Amendments Act of 1972 and intersected the issue of sexual harassment with public education in U.S. public schools (Hinduja & Patchin, 2011). Specifically, Title IX applies to all federally funded schools and prohibits all forms of discrimination on the basis of sex (Cornell & Limber, 2015). Section 504 of the Rehabilitation Act of 1973 protects individuals with disabilities from discrimination as is also afforded under Title II of the Americans with Disabilities Act of 2004 (Cornell & Limber, 2015). Further, students are protected from acts of discrimination that deny them free appropriate public education (FAPE), a concept well established in Public Law 94-142 and later revised in the 1990 Individuals with Disabilities Education Act (IDEA). The culminating effect of these civil rights laws extended student protection from discriminatory actions from school administrators, teachers, and personnel employed by federally funded public schools; however, federal courts

met with disagreement as to how they applied to harassment between students (Baker, 2009; Cornell & Limber, 2015).

Two Supreme Court rulings that involved sexual harassment reflect the dilemma faced by the Court when the harassment occurs between students. In *Gebser v. Lago Vista Independent School District* (1998), the plaintiff student involved in a relationship with a teacher sued the school district for monetary damages because of the school's failure to adequately provide an avenue for the student to report the abuse (*Gebser et al. v. Lago Vista Independent School District*, (1998). The Supreme Court held that school districts could be liable under Title IX for monetary damages if a school employee knew about the misconduct and failed to take corrective action and had the appropriate authority to do so (Hinduja & Patchin, 2011). Through the decision in *Gebser*, it was affirmed that school districts were liable for their deliberate indifference of harassment that occurred against a student by a school employee.

In 1999, the Supreme Court ruled in *Davis v. Monroe County Board of Education* (1999) that liability under Title IX did extend to the school district for peer-on-peer student harassment (Cornell & Limber, 2015; Kosse & Wright, 2005). In this landmark case involving peer-on-peer harassment, the student (plaintiff) alleged suit against the school district for its inaction in allowing the other student's harassment to continue unabated (Kosse & Wright, 2005). The Supreme Court, broadly applying the deliberate indifference standard in *Gebser*, found that federally funded schools were liable for acts of sexual harassment by one student to another student (Cornell & Limber, 2015; Kosse & Wright, 2005). Deciding for the majority, Justice O'Connor asserted that because the school receiving federal funds is in a place of authority over the harasser, the custodial nature of the school demands disciplinary action against the behavior at issue (Havern, 2001). Yet, a remedy only applies to the victim if the school's deliberate



indifference was unreasonable in consideration of the circumstances known to the school (Havern, 2001). Finally, a victim has a claim for damages if the harassing behavior is so overt and offensive that a victim's equal access to education is denied (Havern, 2001). A bright line test was not provided that established what behavior is actionable under Title IX as peer harassment and Justice O'Connor indicated instead that such determination be based on a totality of the circumstances (Havern, 2001). As a result, conditions attached to the *Davis v. Monroe* decision exact a heavy burden of proof for the victim and provide a nebulous standard of liability for peer harassment to be applied on a case-by-case basis.

In a prima facie case for monetary damages involving peer-on-peer harassment, four conditions must be present in order for liability to be placed upon the school. The first condition requires the student to be a member of an enumerated, protected category of individuals based on race, religion, national origin, or sex (Cascardi et al., 2014; Cornell & Limber, 2015). Those students who fall outside of protected categories cannot invoke a federal cause of action under Title IX. The second condition warrants that the harassment at school must be particularly pervasive, severe, and objectively offensive (Cornell & Limber, 2015; *Davis v. Monroe*, 1999; Speraw, 2010). The objective offensiveness of the harassment effectively eliminates name-calling and mild teasing. The Supreme Court requires knowledge as a third condition in order to establish school liability (Cornell & Limber, 2015). Under this condition, the school must be aware of the harassment and even then, liability attaches to the school if after awareness, the school acts with indifference in response to the alleged conduct (Cornell & Limber, 2015; Kosse & Wright, 2005). The fourth condition, the school's deliberate indifference to the harassment, requires a school to act within reason to intervene in the incident; however, there is no mandate to eradicate the behavior or to prevent it in the future (Cornell & Limber, 2015). As a high

standard of liability, deliberate indifference holds a federally funded school liable for its own misconduct thus excluding the misconduct of others, and in particular, the bully (Kimmel & Alvarez, 2013). Thus, in order to avoid liability, schools do not need to take action that remedies the harassing behavior, expel the perpetrator, or invoke disciplinary action (Kimmel & Alvarez, 2013). Instead, schools need respond to harassment in such a way that demonstrates what is reasonable under known circumstances (Kimmel & Alvarez, 2013).

Despite opening a door for future lawsuits concerning harassment, the *Davis v. Monroe* decision is not without criticism. Critics assail that instead of curtailing harassment and future acts of bullying, general indifference is perpetuated as the status quo as it is the school that is punished, not the harasser (Havern, 2001). For example, plaintiffs are often barred from recovery if a school imposes a form of discipline to stop bullies known to the school from repeating the offensive behavior; however, the discipline enforced may be ineffective at preventing different bullies from enacting potential, repeated abuse (Sacks & Salem, 2009). Therefore, the liability standard set in *Davis* narrowly proscribes the circumstances that a plaintiff is afforded a legal remedy. Further, the dissent in *Davis* feared the impact that the Court's interpretation of school liability under Title IX would potentially have upon the qualified immunity historically afforded to schools in light of the fact that federal civil rights trump state immunity (Havern, 2001). It was also raised as concern by the dissent in *Davis* that courts were given a power not otherwise allowed within the schools to police student behavior and arbitrate student disagreements, normally a function deferred to school administrators (Havern, 2001). Creating a high hurdle for plaintiffs, school districts rely on judicial deference as the standard set in *Davis* and defend allegations of peer harassment and bullying by relying on the argument that courts defer to school officials' disciplinary actions (Brookshire, 2014).

In certain measure, however, victims found a foothold in litigation that specifically involved bullying at school. *Davis v. Monroe* placed schools as responsible for the harm caused to an individual in their failure to reasonably respond to conduct that is offensive (Havern, 2001). Although this is a high standard of liability to achieve, it is nonetheless an avenue of relief for the victim who is harmed by another peer while at school. The Court ultimately recognized a need to fight peer harassment and elevated traditional notions that suggested the victim might have provoked the unwanted behavior or in the alternative, that such unacceptable behavior is a justifiable part of kids being kids (Havern, 2001). Instead, the decision in *Davis* holds harassment as unacceptable behavior and with liability placed upon the schools, a step forward was gained for student victims as the issue was no longer dormant or ignored. The Court essentially placed pressure on educational institutions to provide equal access to education. The unambiguous duty reiterated by the Court in *Davis* to create an atmosphere that is conducive for learning was placed on the balance and measure of a school's response to complaints of sexual harassment (Havern, 2001). In effect, schools that act deliberately indifferent suffer liability and even the doctrine of qualified immunity for school officials must yield to a victim's statutorily protected rights under civil rights laws (Brookshire, 2014). Ultimately, the Court in *Davis* viewed the school as the perpetrator of harm upon the victim and in doing so, moved a great step forward in the recognition of children's rights (Cornell & Limber, 2015; Havern, 2001). A potential door was opened, if however slight, for students who would allege harm by another student.

Yet litigation is still a limited remedy. In an empirical study of bullying-related litigation from 1992 to 2011, Holben and Zirkel (2014) found 166 federal and state court decisions typically involving Title IX or Fourteenth Amendment equal protection and due process claims

(Cornell & Limber, 2015). In a span of 20 years, 89% were federal court cases as opposed to being litigated in state court (Holben & Zirkel, 2014; NASEM, 2016). Of plaintiffs represented in those federal court cases, 84% were members of a protected class: sex, race, gender, and disability (NASEM, 2016). Holben and Zirkel (2014) also reported that decisions most consistently favored the defendant and that a mere 2% of 742 claim rulings were decided in favor of the plaintiff while 65% ruled for the defendant (Holben & Zirkel, 2014; NASEM, 2016). The most successful claims for plaintiffs were brought under Title IX or the IDEA and yet most still were ruled in favor of the defendants (Holben & Zirkel, 2014; NASEM, 2016). Limitations that plaintiffs face in courts arise most preeminently for several reasons. Following the decision of *Davis v. Monroe*, a plaintiff must not only prove the severity of the harm, but also the school's ineffective response once the school had actual knowledge or should have known of the bullying (NASEM, 2016). As a further hurdle in litigation, students are limited in pursuing remedy under state tort law as well (Wright, 2013). Due to the common law doctrine of sovereign immunity, state governments cannot be sued in its court systems without their consent (Wright, 2013). In Virginia, sovereign immunity guards against interference from the administration of government. In addition, government officials are protected from liability under qualified immunity so long as their behavior does not infringe constitutional or statutory rights of which a reasonable person would have knowledge (*Harlow v. Fitzgerald*, 1982). Some states, including Virginia, grant schoolteachers and personnel with civil immunity (Va. Code Ann. §8.01-220.1:2, 2011) when acting in their governmental capacity unless their actions are grossly negligent (Wright, 2013). Thus, immunity acts as a bar for potential tort liability for the school employees' acts or omissions due to the harms caused a student from third parties. Further, as a bar in litigation, evidence from Holben and Zirkel's (2014) study suggests that only limited numbers of students

who are bullied will secure a court remedy. Even if a victim of bullying is able to obtain legal remedy under federal or state law, the remedy is most often secured long past the harm and since that time, the victim may have dropped out of school, moved to a different school, or has already turned 18 (Sacks & Salem, 2009). Consequently, since legal remedies are limited to plaintiffs in litigation, victims of bullying might look for redress under civil rights laws but even at the federal level, bullying victims still face measures of constraint.

Although federal civil rights laws do provide an avenue of redress for protected groups of individuals who are victims of harassment and to an extent, acts of bullying, there are many victims who do not fall into these protected classes (Alley & Limber, 2009; Cascardi et al., 2014; Cornell & Limber, 2015). A victim of bullying may fall into a protected class, but characteristics pertaining to the victim often do not fall within those characteristics protected under civil rights laws such as weight or aesthetics (Cornell & Limber, 2015). According to the United States General Accounting Office (2012), although the ability to apply civil rights laws to cases of bullying is certainly beneficial to as many students that fall under its protective umbrella, there are marked ambiguities and gaps that do not extend to all victims of bullying. Further, the limitations at the federal level regarding harassment and bullying are illustrated in the statement made by the U.S. Commission on Civil Rights in their 2011 annual report: “Federal civil rights laws—and the federal government’s enforcement of those laws—are limited to heightened incidents of harassment that do not include typical schoolyard bullying unless that bullying creates a hostile environment” (U.S. Commission on Civil Rights, 2011). Even more limiting is the notable absence of statutes and rules that would be enforceable at the federal level (Hanks, 2015). With no federal statute that prohibits bullying, school districts are afforded legal guidance through the U.S. Department of Education (USDOE) in the form of “Dear Colleague” letters

(Hanks, 2015). The guidance issued in the letters are not formal regulations but are only a representation of the views of the USDOE for the purpose of enforcing the laws that do fall within federal jurisdiction (Hanks, 2015).

### **Federal Law and Guidance**

The federal government has the power to disseminate policies and informal guidelines that influence state and local action regarding significant issues. Dear Colleague letters offer guidance on issues and are distributed as formal memos to state and local officers. On October 26, 2010, the U.S. Department of Education Office of Civil Rights issued a Dear Colleague Letter to schools all across the nation (U.S. Department of Education Office of Civil Rights, 2010) as the first of two notable initiatives to provide guidance regarding bullying (Cornell & Limber, 2015; NASEM, 2016). In the October 26, 2010 letter, an overview was provided that delineated applicable federal law and noted the responsibility of schools to appropriately address acts of bullying, emphasizing that some forms are categorized as discriminatory harassment for enumerated classes (Cornell & Limber, 2015). The second federal initiative was the Department of Education's (USDOE) suggested list of recommended key policy components for state laws and local policies that were distributed to state governors and local school officials as part of a Dear Colleague Letter issued on December 16, 2010 (NASEM, 2016). In this letter, the USDOE released a guidance document in response to calls for assistance in drafting anti-bullying laws and policies. Key policy components were identified in the document that had been included in state bullying statutes up until 2010. The USDOE organized the key components of bullying legislation into 11 categories (Stuart-Cassel et al., 2011). Following the release of the guidance document, the USDOE and of Health and Human Services (USDOHH) jointly hosted the first Federal Partners in Bullying Prevention Summit that collectively united researchers, government

officials, policymakers, and current practitioners in education in order to strategize an effort to combat school bullying (Stuart-Cassel et al., 2011). The summit concluded with the need for a more comprehensive understanding of current state legislation as well as for necessary information on how existing anti-bullying laws and policies were translating into practice (Stuart-Cassel et al., 2011). From this identified gap in information, the USDOE and USDOHH sponsored a study to be conducted by Stuart-Cassel et al. (2011) that would address the current status of state bullying legislation. In the study, the USDOE key policy components were chosen as the approach with which to review the content of laws based on their ubiquitous presence in state statutes and their potential to inform implementation of anti-bullying state and local policies (Stuart-Cassel et al., 2011). In addition to reviewing state law, Stuart-Cassel et al. (2011) organized and grouped the 11 USDOE-identified key components into six policy subcomponents as the study's approach to review school district policies and to determine the extent that the school district policies covered each of the recommended components (Stuart-Cassel et al., 2011). From the Stuart-Cassel et al. (2011) study, the 11 USDOE recommended components and the six subcomponents act as a framework in guiding state and local responses to bullying and the development of anti-bullying laws and policies (NASEM, 2016). According to the National Academies of Sciences, Engineering, and Medicine (2016), other frameworks exist with which to understand and evaluate anti-bullying policies; however, "the DOE framework is the only one that has been evaluated" (p. 275).

Although research on the impact of the law and the current prevalence of bullying is still limited, a recent study conducted by researchers at Columbia University and the University of Iowa utilized a population survey of 63,635 students (grades 9 to 12) from 25 states that were participants in the 2011 Youth Risk Behavior Surveillance System, a collection of data on

adolescents' experience with bullying and cyberbullying (Hatzenbuehler et al., 2015). Data was collected on state anti-bullying legislation from the USDOE study conducted by Stuart-Cassel et al. (2011) and its identified policy components. Linking data from the Youth Risk Behavior Surveillance System to the policy components from each of the 25 states, Hatzenbuehler et al. (2015) found substantial variation in bullying and cyberbullying rates across each state and concluded that states had a 24% reduced odds of reporting bullying if at least one USDOE policy component was present in its anti-bullying legislation. Further, states had a 20% reduction in student reporting of cyberbullying in comparison to those states that had no USDOE policy components in their anti-bullying laws (Hatzenbuehler et al., 2015). Ultimately, the Hatzenbuehler et al. (2015) study demonstrated the effectiveness of USDOE policy components in guiding legislation as well as the importance and potential of anti-bullying policies as strategy for reducing bullying and cyberbullying.

Despite the response from the federal government to issue guidance to states in drafting anti-bullying laws and policies and the notable significance and presence of USDOE policy components originating at the federal level, state governments and local school boards are still met with a daunting task in drafting anti-bullying legislation and policy. Yet even amongst the responsibility of this endeavor, it is without great debate that the specific content of anti-bullying legislation and policy does carry a significant amount of weight as a current response to bullying.

**Lack of a consensus definition of bullying.** Created as a bulwark against the ongoing and pervasive issue of bullying and federal Title IX liability, the flood of state anti-bullying legislation and statutory definitions add varying definitions of bullying and incidentally, different levels of effectiveness (Speraw, 2010). Adding greater perplexity to the nebulous definition of bullying is that as states expand their statutory definitions of bullying, elemental distinctions



made between bullying, harassment, and other forms of peer aggression slowly begin to erode (Cascardi et al., 2014). The lack of a consensus definition prompted the Centers for Disease Control and Prevention (CDC) to lead an effort for a single definition that would, in turn, be adopted throughout the field of school bullying research (McCallion & Feder, 2013). The CDC charged that without a consensus definition, the ability is hindered to not only measure data related to bullying and track trends over a period of time but also in understanding the true nature of its magnitude, impact, and scope (McCallion & Feder, 2013).

Despite the clarion call for a consensus definition, the amalgamated nature of the definition of bullying is still reflected in anti-bullying statutes. In 2012, a comprehensive content analysis of 48 states' bullying legislation revealed that school districts were required to adopt bullying policies (Cascardi et al., 2014; Sacco, Silbaugh, Corredor, Casey, & Doherty, 2012). Of the 48 state statutes analyzed by Sacco et al. (2012), 16 states defined bullying to include aggressive behaviors intended to cause harm. Eight states mandated the element of repetition and four states necessitated a power imbalance (Cascardi et al., 2014; Sacco et al., 2012). Sacco et al., (2012) concluded that not only did the statutory definitions vary across states in content and detail, but laws also lacked the research-based definitional elements of bullying. In a comprehensive analysis conducted for the USDOE, the final report of Stuart-Cassel et al. (2011) concluded that it is not uncommon for state anti-bullying statutes to borrow in legislative language from existing harassment statutes (Cascardi et al., 2014; Stuart-Cassel et al., 2011). As a result, the conflation of bullying and harassment as terms that define prohibited conduct lead to their interchangeable use in state statutes and policies, despite their marked distinctions that legally create different outcomes (Cascardi et al., 2014; Cornell & Limber, 2015; Sacco et al., 2012; Stuart-Cassel et al., 2011). Even at the federal level, the Office of Civil Rights

acknowledged the interchangeable use of “the terms ‘bullying’ and ‘harassment’” in its 2014 Dear Colleague letter (U.S. Department of Education Office for Civil Rights, 2014, p. 1).

In their extension of the work of Sacco et al. (2012) and Stuart-Cassel et al. (2011), Cascardi, Brown, and Cardona (2012) compared similarities between states’ anti-bullying statutes to the three Olweus criteria of bullying statutes. Cascardi et al. (2012) identified 22 states as interchangeably using the terms harassment, bullying, and intimidation in their definitions of bullying (Cascardi et al., 2012; Cornell & Limber, 2015). Further, 14 states restricted their definitions to only include bullying while two states restricted their definitions to the term harassment, and eight states included both harassment and bullying within their definitions, but provided different definitions for both terms (Cascardi et al., 2012; Cornell & Limber, 2015).

The importance of the need for specificity in the law is further demonstrated in one of the most distinguishing characteristics between bullying and harassment: intent. Substantiated by the work of Cascardi et al. (2014), bullying requires its aggressor to act with intent to harm while a perpetrator of harassment may be ignorant of the harm that his/her negative behavior might cause. Harassment includes actions that need not be directed at one specific individual, but can also include the school community and can be inflicted out of ignorance to the victim(s) (Cascardi et al., 2014). Therefore, harassment hinges to a greater degree on the victim’s perspective of an environment that he/she views as hostile, rather than the aggressor’s intent to harm as is required in bullying (Cascardi et al., 2014). This contrast is illustrated in a potential harassment scenario that includes the markings of swastikas found on school property (Ali, 2010). A particular ethnic or religious group might feel targeted and threatened although no one individual student may be singled out as a target. In this case, it is not the harasser’s intent that constitutes harassment; instead, it is the perception of the harassed of a hostile, unsafe

environment (Cascardi et al., 2014). Harassment can represent bullying, but this requires that the harasser repeatedly act with intent towards an individual member of a protected group (Cascardi et al., 2014). Conflating the terms of bullying and harassment in both anti-bullying laws and policies not only demonstrates the challenge of interchangeably defining bullying and harassment, but also distinctly reflects the incongruent nature of current legislation related to bullying.

### **Bullying and Harassment in Statutory Law**

Anti-bullying laws that mandate local school districts to adopt bullying policies have been adopted in all 50 states in the past 15 years (Child Trends, 2015; Sabia & Bass, 2017). Based on the study conducted by Stuart-Cassel et al. (2011) for the USDOE, more than 120 bills to address bullying were enacted by state legislatures during the years between 1999 and 2010 (Russo, 2014). Despite universal adoption, heterogeneity is markedly present in the expansiveness and degree of severity of state legislation (Sabia & Bass, 2017). The disparate nature of anti-bullying laws is reflected in their content. Although most states define bullying, there is no uniform definition for the various behaviors that constitute bullying across state legislation (NASEM, 2016). Adding to the lack of uniformity, some states including Virginia, require the state department of education to draft a definition or assign the task of determining policy content entirely to local school boards (Hinduja & Patchin, 2011; Sacco et al., 2012). Further, statutory definitions of bullying do not always align with those used in social science scholarly research (NASEM, 2016).

To add greater perplexity to an understanding of the definition of bullying and current bullying legislation, some state anti-bullying laws reflect the variability of the terms bullying and harassment, but other state statutes are reflective of the distinction of intent between bullying and

harassment. Since school boards are often left entirely to the task of defining and creating a definition of bullying and an anti-bullying policy that also covers the types of conduct prohibited, most school boards adopt the definition of bullying provided by their state legislature or are mandated to do so (Kosse & Wright, 2005). Consequently, there exists a disparate definition of bullying that varies across states and sometimes, even amongst school policies.

All states have adopted anti-bullying laws and some, including Arkansas, define bullying at the broadest end of the spectrum as any behavior that rises to meet the level of being “pupil harassment” (Ark. Code Ann. §6-18-514(a), 2012). Other states, however, define bullying more specifically in the type of conduct that is prohibited in their statutory meaning. The more specifically defined statutes of bullying base the term upon either the perpetrator’s intent, the degree of reasonableness of the perpetrator’s actions, or the cumulative effect on the student victim (Kosse & Wright, 2005). The majority of those states provide a statutory definition for local school boards to adopt that center on the intent of the perpetrator, a distinctive element that separates bullying from harassment. Colorado’s anti-bullying statute, for example, hinges on intent and defines bullying as “written or verbal expression, or physical or electronic act or gesture, or a pattern thereof, that is intended to coerce, intimidate, or cause any physical, mental, or emotional harm to any student” (Colo. Rev. Stat. §22-32-109 (1)(11)(l), 2012). Also articulated as an intent-state, Louisiana articulates the type of conduct to be defined as bullying with even greater degree of specificity and includes:

Any intentional gesture or written, verbal, or physical act that: a) a reasonable person under the circumstances should know would have the effect of harming a student or damaging his property or placing a student in reasonable fear of harm to his life or person or damage to his property; and b) is so severe, persistent, or pervasive that it creates an

intimidating, threatening, or abusive educational environment for a student. (La. Rev. Stat. Ann. §17:416.13(B)(2), 2011)

The state of Connecticut also adopts a definition predicated on intent in its definition stating bullying as:

Any overt act by a student or group of students directed against another student with the intent to ridicule, humiliate, or intimidate the other student while on school grounds or at a school-sponsored activity which acts are repeated against the same student over time. (Conn. Gen. Stat. §10-222d, 2011)

The anti-bullying statutes in the states of Washington and Rhode Island also include in their definitions of bullying the element of intent (Kosse & Wright, 2005).

According to Cornell & Limber (2015), the anti-bullying statute in Virginia represents the closest aligned statute to the understanding of bullying in scholarly research. The legislature of Virginia adopts a definition of intent for bullying in its anti-bullying statute:

Any aggressive and unwanted behavior that is intended to harm, intimidate, or humiliate the victim; involves a real or perceived power imbalance between the aggressor or aggressors and victim; and is repeated over time or causes severe emotional trauma.

Bullying includes cyberbullying. Bullying does not include ordinary teasing, horseplay, argument, or peer conflict. (Va. Code Ann §22.1-276.01, 2011)

In contravention, New Jersey and Oregon do not include the intent of the perpetrator as a part of their statutory definitions of bullying (Kosse & Wright, 2005). Instead, bullying is defined in accordance with both the perception others have of the bully's actions as well as the effect of those actions on others (Kosse & Wright, 2005).

Differences also exist in state anti-bullying laws with regard to USDOE recommended key components (NASEM, 2016). Some comprehensive state anti-bullying laws require school districts to maintain extensive written records of students' reporting of bullying incidents, adopt appropriate sanctions, and provide counseling services to both victims and aggressors involved in acts of bullying. Further, some anti-bullying state laws mandate reporting every incident of bullying and the coinciding school response to that particular incident while other laws include non-binding suggestions for school district bullying policies (Sabia & Bass, 2017).

Although the types of USDOE components vary with regard to what state laws require that schools must include within their bullying policies, there are some components that do most commonly appear and include the reporting and investigation of incidents of bullying, disciplinary actions, and support services (Stuart-Cassel et al., 2011; Cornell & Limber, 2015). Over one third of state laws mandate or encourage the reporting of known incidents of bullying while almost two thirds of states require or support the development of investigative procedures for incidents of bullying (Cornell & Limber, 2015). In regards to sanctions, broad differences exist in the types of consequences deemed most appropriate in response to students who bully although three quarters of the states require or encourage disciplinary action (Sacco et al., 2012; Cornell & Limber, 2015). State legislation most typically includes language that uses the terms of remedial action, disciplinary action, or consequences and often prescribe that such action be based on age, as is the case in Georgia, Missouri, and Arkansas (Cornell & Limber, 2015). In contrast, a smaller number of states endorse specific punitive consequences such as suspension, expulsion, and transfer to other school environments like alternative schools (Alley & Limber, 2009; Cornell & Limber, 2015; Sacco et al., 2012). Of significant concern is the practice of applying zero tolerance policies to bullying. Despite criticism that it is a failed type of discipline

policy, zero tolerance still receives a call from the public as a means of responding to bullying (Cornell & Limber, 2015). Zero tolerance typically means some type of enforced punishment and either an extended suspension or expulsion regardless of the gravity of infraction and whether the action was intended or unintended (Cornell & Limber, 2015). Critics of this punitive policy denounce it as not only being unsupported by scientific evidence, but also as an ultimate failure to address the overarching needs of those students who bully, and has consequently demonstrated a damaging effect on the reporting of incidents of bullying (American Psychological Association Zero Tolerance Task Force, 2008; Cornell & Limber, 2015; Limber, 2010). Shifting the focus of anti-bullying laws and policies from punitive types of punishment are the more promising provisions in legislation that offer prevention and support services as well as counseling to both perpetrators and victims of bullying. Almost 50% of states require or facilitate training for school employees on bullying prevention and the implementation of bullying awareness programs within the school (Cornell & Limber, 2015; Sacco et al., 2012). Yet, the number of state laws that guide school districts to include counseling or support services has dwindled to one third (Cornell & Limber, 2015; Sacco et al., 2012).

State statutes ultimately lay the groundwork for what constitutes bullying behavior and their intent can guide school districts in drafting policies that respond to bullying. Overly broad, heterogeneous state statutes or those without specific mandate that school districts follow their content offer little clarity and create challenges for effective implementation. Yet, with all new and evolving areas of law, there is also a coinciding time lag between its adoption and its future impact on the intended population (NASEM, 2016). Consequently, because of the relative infancy of statutory anti-bullying laws, evidence is still emerging in regards to impact. This concept is no less true for the state of Virginia.

## **Virginia Anti-Bullying Legislation and Model Policy**

At first glance, the notion that a law can prevent school children from bullying other children may seem impractical; however, state legislation can be a tool for safeguarding children in schools and its impact can be far-reaching. State law ultimately changed the way teachers view suspected maltreatment of a minor under child abuse and neglect reporting statutes (Limber & Small, 2003). Strong anti-bullying legislation and policy has the same potential for change.

Since 2005, the legislature of Virginia has been required to include bullying prevention as a part of character education (Va. Code Ann. § 22.1-208.01, 2011). Virginia law also mandates that school boards include bullying in their student conduct policies (Va. Code Ann. § 22.1-279.6.D, 2011), and that all local policies adhere to state and federal laws (Virginia Board of Education, 2013). Further, the law requires that all school boards by the date of July 1, 2014 implement bullying policies and educate school employees about the urgent need for a bully-free environment (Virginia Board of Education, 2013; Va. Code Ann. § 22.1-291.4, 2011). In 2011, the Virginia General Assembly's House Joint Resolution (625) required all school divisions' anti-bullying policies be part of a study conducted by the Virginia Department of Education (VDOE). As a result of the VDOE study, a model policy was developed in order to guide the development and implementation of school divisions' anti-bullying policies (Virginia Board of Education, 2013). In 2013, the General Assembly enacted HB1871 that required the Virginia Board of Education to develop a model policy and procedures prohibiting bullying by January 1, 2014 to be distributed for use by school boards (Virginia Board of Education, 2013). When the Virginia Board of Education released its model policy, a basic assumption about its use was clarified in that all school divisions would direct their energy to the appropriate mobilization and support of promoting the reporting of any suspected bullying incidents, make investigation of all



bullying incidents, and to use any data resulting from the VDOE study to reduce bullying and strengthen its prevention (Virginia Board of Education, 2013). As a part of its model policy, the Virginia Board of Education (2013) charged that at a minimum, school divisions adopt a definition of bullying consistent with the definition adopted by the Virginia General Assembly in 2013 (Va. Code Ann. § 22.1- 276.01, 2011).

The model policy contains a great deal of content that is not mandated to be a part of school division policies but exists to guide schools with the creation of their own policies. For example, the model policy lists the elements of intent, repetition, and imbalance of power as defining characteristics of bullying and also broadens its definition of behavior that constitutes bullying whether it is physical or emotional (Virginia Board of Education, 2013). Further, the model policy details the various types of communications that encompass cyberbullying and acknowledges the inclusion of speech occurring off school grounds if that speech negatively impacts the school climate. The Virginia Board of Education (2013) additionally recognizes in regards to cyberbullying that as case law emerges on this issue, this inclusion of off-campus speech will require continued review. Virginia's model policy also states that regardless of its origins, bullying and harassment of any student is prohibited if it creates a disruption in a student's educational environment. Further, school divisions are instructed that they should include the commonly included USDOE policy components that encompass the strategies of reporting, investigating, and recording bullying incidents, support services for prevention and intervention, as well as accountability and consequences (Virginia Board of Education, 2013). Each policy component is given a specific set of instructions and procedures that school divisions can follow in reference to those specific elements that are USDOE policy components.

To aid in the prevention and intervention aspect of bullying, the model policy instructs that school divisions should establish, *inter alia*: 1) school-wide anti-bullying programs across grade levels, 2) school climate improvement initiatives intended to create student involvement, 3) the assignment and education of a bullying prevention coordinator, and 4) training for school staff on the school division's bullying policy and procedures (Virginia Board of Education, 2013).

The model policy of Virginia also includes specific steps to ensure the reporting, investigating, and recording of bullying incidents. Steps are listed in sequential order including the verbal or written report of an incident that may be filed anonymously and recorded on an incident form. Additionally, the model policy provides that all reports of bullying should be investigated provided that they also have an identified complainant (Virginia Board of Education, 2013).

In terms of investigating, the model policy notes that school principals conduct an investigation after receiving a report of bullying. Steps are provided for the means of a thorough investigation as well as how to report the results with final instructions in how to keep record of the number of incidents reported that will be provided to division level data managers monthly and quarterly (Virginia Board of Education, 2013).

**Policy implications.** The freedom given to school divisions to draft their anti-bullying policies was a task wholeheartedly received by Virginia school divisions. Charging that school divisions adopt the statutory definition of bullying at a minimum, the remaining content of the model policy is offered as guidance to local school officials. With such deference afforded to local school divisions in formulating and enforcement of anti-bullying policies, according to Kosse & Wright (2005), it remains to be concluded whether this approach is effective or

conversely, whether the inconsistency amongst local policies not only undermines their integrity, but also their application. Of particular concern are the inequities that potentially arise amidst the discord that are the numerous policies and standards present within a single state, namely in the types of bullying conduct that might be punishable, types of available recourse for victims, and types of required or suggested responses in reporting, investigating, or support services (Kosse & Wright, 2005). As policies vary across schools in one state, so too might the type of bullying conduct that is punishable or the type of punishment exacted against a student under one school policy differ from that of another school policy. When general provisions for types of prohibited conduct and punishment are left entirely to the discretion of the school board, the types of punishable conduct and the specifics of punishment for bullying in one school policy may change substantially under another school division's policy although within the same state (Kosse & Wright, 2005). According to Kosse and Wright (2005), both the victim and the perpetrator of bullying are met with unfairness as an end result. Ultimately, the inherent incongruity within this approach leaves room for confusion in the overarching purpose of state legislation and guidance. Until there is some harmony in state legislation and within local policy, the effectiveness of anti-bullying policies as a whole is called into question.

### **Summary**

In summary, Chapter Two included a discussion of the conceptual framework of this study, the hierarchy and development of laws at the federal, state, and local levels. It was determined that there are challenges amidst heterogeneous definitions of bullying, both in its scholarly-based elements and the conflating of bullying and harassment at the federal and state levels. Because of these persistent issues, the legal context of bullying was examined at the federal level in terms of constitutional issues, as civil rights violations, and within distributed

federal guidance. At the state level, dilemmas pertinent to bullying were examined amidst statutory legislation and within the model policy of the state of Virginia.

## **CHAPTER THREE: METHODS**

### **Overview**

Bullying has traditionally been viewed as a rite of passage amongst adolescents; today, however, bullying is no longer considered a normal or tolerated part of childhood. It is now considered to be an issue of serious concern in education and is considered one of the most common forms of peer aggression across the public schools of the United States. This study examined the school division policies of Virginia to determine the extent that those policies adhere to the six U.S. Department of Education (USDOE)-recommended policy subcomponents that are typically required to be covered by state law and local board policies. Chapter Three includes information about the design of the study, the research question and null hypothesis, participants and setting of this study, instrumentation, as well as procedures that were used to collect data, and data analysis.

### **Design**

A quantitative correlational design was used in this study in order to determine the relationship between the adherence of the Virginia school division's anti-bullying policy and the percentage of student offenses of bullying in the school division. The variables that were used in this study were obtained from sources that are public domain. The predictor variable was the adherence of the school division's anti-bullying policy that was obtained from school board policies and student codes of conduct from the 132 public school divisions of Virginia. The Modified Subcomponent Criterion List was used to analyze the adherence of each school division's policy based on six measures. The six measures include a definition of bullying, reporting of bullying incidents, investigations, written records, sanctions, and mental health referrals. The criterion variable was the percentage of student offenses of bullying in the school

division and was obtained from the 2016 – 2017 Safe Schools Information (SSIR) website accumulated and maintained by the Virginia Department of Education (VDOE).

The correlational design is widely used as the statistic,  $r$ , has a small sampling error (Gall, Gall, & Borg, 2007). The design is appropriate because information will be provided regarding the degree to which two variables are related (Creswell, 2005). In a correlational design, the magnitude of Pearson's  $r$  will provide information about the strength of linear associations between the two variables (Warner, 2012). Variables can be associated or related in terms of direction and strength (Cook & Cook, 2008). In terms of direction, variables can be positive as the increase of one variable means the other also increases. Direction can also be negative demonstrated in increase in one variable and decrease in the other variable (Cook & Cook, 2008). Strength is the consistency with which the two variables correspond with each other (Cook & Cook, 2008).

A correlation design is appropriate when the significance and magnitude between a predictor and criterion variable can be used to tentatively suggest relationships that may potentially be causal in nature (Cook & Cook, 2008). Although a correlation cannot imply causality, this design can identify existing relationships amongst variables and describe them in terms of their positive or negative relationship (Cook & Cook, 2008). Significantly correlated variables demonstrate a precondition for causality and when supported by theoretical understanding for one variable causing a change in the other, then there are not only important relationships established but also enhanced understanding of a phenomenon (Cook & Cook, 2008).

### **Research Question**

**RQ1:** Is there a relationship between the adherence of the Virginia school division's anti-bullying policy and the percentage of student offenses of bullying in each school division?

### **Hypothesis**

**H<sub>0</sub>1:** There is no significant relationship between the adherence of the Virginia school division's anti-bullying policy scores as measured by the Modified Subcomponent Criterion List and the percentage of student offenses of bullying in each school division.

### **Participants and Setting**

The state of Virginia was selected for this correlational archival study. There were two sources of archival data for this study. The first source was the anti-bullying policies of the 132 school divisions of Virginia, and the second source was archival data retrieved from the Safe Schools Information Resource (SSIR) website and displayed in the form of an offense frequency chart.

Information for the school division's anti-bullying policy was drawn from the student code of conduct published at the school division level. These policies were found on each school's website in the school division (see Appendix D for list of websites). The Commonwealth of Virginia is divided into 95 counties and has 38 independent cities. School division policies selected for this study represented each of the eight school regions of Virginia (Region I- Central Virginia, Region 2- Tidewater, Region 3- Northern Neck, Region 4- Northern Virginia, Region 5- Valley, Region 6- Western Virginia, Region 7- Southwest, Region 8- Southside). School regions are comprised of several geographic counties that represent all schools of that particular county of which a school board has jurisdiction. There are 95 school counties representing a total of 132 school divisions in Virginia. Based on U.S. census data,

schools are classified as suburban (32.2%), urban (20.3%), town (4.7%), and rural (42.8%) (Virginia Department of Education, 2016). This study did not include school district bullying policies of charter, private, schools located in juvenile detention centers, correctional facilities, or those that include temporary services.

For this study, the sample chosen was based on a convenience sample of 132 public school divisions in Virginia. A total sample of 69 public school divisions were included as data sources for this study, as 63 were removed due to incomplete data. According to Gall, Gall, & Borg (2007), a sample of  $N = 69$  exceeds the required minimum of  $N = 66$  for a medium effect size with statistical power at .7 at the .05 alpha level. After searching school websites for bullying policies, 63 of the 132 schools were removed because there was no reported data for individual student offenses of bullying for the school division. The remaining 69 school division policies were used for the total sample.

The second source of archival data regarding the percentage of student offenses of bullying variable was retrieved from the Safe Schools Information Resource (SSIR) website, selected from the years of 2016 – 2017, and was displayed in the form of an offense frequency chart. Archival data for this study is accumulated and maintained by the Virginia Department of Education's (VDOE) Safe Schools Information Resource (SSIR) website located at <https://p1pe.doe.virginia.gov/pti/>. The Virginia Department of Education is a government agency that interprets and directs state legislation adopted by the Virginia General Assembly for primary and secondary educational institutions. As a state entity, the VDOE exercises the responsibility of creating rules and regulations that help define state statutes. The VDOE guides school divisions in crafting policies that are in compliance with state law. The Safe Schools Information Resource website manages the discipline, crime, and violence (DCV) data that is collected by



local school divisions and reported to the VDOE. Data is then accessible for users regarding the types and numbers offenses, disciplinary outcomes, as well as number of students enrolled and individual student offenders (Virginia Board of Education, 2013).

### **Instrumentation**

The purpose of this study was to determine the relationship between the adherence of the school division's anti-bullying policy and the percentage of offenses of bullying in the school divisions of Virginia.

#### **Predictor Variable (Adherence of Anti-bullying Policy)**

The Modified Subcomponent Criterion List (see Appendix A for Criterion List) was used in this study to provide data regarding the predictor variable, adherence of anti-bullying policies. The instrument was an adaptation of the criteria used by the U.S. Department of Education's (USDOE) Analysis of State Bullying Laws and Policies (Stuart-Cassel et al., 2011). The purpose of the instrument was to provide data regarding the adherence of school division anti-bullying policies of the school board policies and student codes of conduct in the state of Virginia.

Stuart-Cassel et al. (2011) utilized an itemized list of criteria to analyze the policy content of each school division's anti-bullying policy. The criterion list consisted of six subcomponents that were identified by Stuart-Cassel et al. (2011) to be commonly required by state law as provisions of school district policies. This study used the original list of criteria modified in wording to address the school divisions of Virginia rather than 20 school districts across the U.S. For example, Stuart-Cassel et al. (2011) addressed the subcomponent "defining bullying behavior" by determination that a state required districts to develop local policies. The state policy was assigned a "0" if state legislation had not required districts to develop local policies

(Stuart-Cassel et al., 2011). The wording for this criterion on the modified instrument that was used in this study addressed the presence of a bullying definition by simply stating the division policy contained no explicit definition of bullying behavior. If there was no definition, the division policy received a zero for that particular subcomponent (Vaughn, 2013).

In this study, the Modified Subcomponent Criterion List (see Appendix A for Criterion List) consisted of six subcomponent criteria that were used to score and then rate each policy of the public school divisions of Virginia. The six subcomponents consisted of a definition of bullying, reporting of bullying incidents, investigations, written records, sanctions, and mental health referrals (see Appendix F for example anti-bullying policy analysis using the Modified Subcomponent Criterion List). A 2-point scoring scheme ranging from a score of zero (the lowest possible score) to two (the highest possible score) for each criterion was used to score each school division policy. A score of zero (0) indicated that no evidence was found in regard to the criteria being sought in the policy. A score of one (1) indicated that some evidence was found in relation to the criteria being sought, but the requirements were limited. A score of two (2) indicated that the policy was in adherence in terms of including criteria and as a result, more is required of the school by the school division (Vaughn, 2013). With a total of six subcomponents, the highest possible score of 12 signified that the school division's policy was adherent to DOE policy components. The lowest possible score, or zero (0), indicated that the school division policy lacked adherence.

Permission to use the modified subcomponent criterion list was granted by Mrs. Brandy Elise Robinson Vaughn (see Appendix B for Approval of Methodology). Vaughn (2013) modified the original instrument designed by Stuart-Cassel et al. (2011) in a study analyzing the anti-bullying policies of Louisiana to apply to the school districts in one state versus a sample of

20 districts throughout the United States.

### **Criterion Variable (Percentage of Student Offenses of Bullying)**

The Safe Schools Information Resource (SSIR) website is located at <https://p1pe.doe.virginia.gov/pti/> and was used in this study to provide archival data regarding the criterion variable (the percentage of student offenses of bullying). The SSIR is a website established by the Virginia Department of Education (VDOE). The purpose of the SSIR website is to grant access to discipline, crime, and violence (DCV) data (Virginia Department of Education, 2007). DCV data for the last five years is readily accessible. It is useful to educators, parents, and community stakeholders who have a vested interest in maintaining school safety (Virginia Department of Education, 2007).

The VDOE, pursuant to § 22.1-279.3:1, Code of Virginia, requires all school divisions to submit DCV data on a yearly basis (Virginia Department of Education, 2007). Incidents reported include those on school property, in transit to or from school property, and those occurring at school activities. SSIR reports trends over time and overview information about incident frequency, offense frequency, student offenders, repeat offenders, non-student offenders, and disciplinary outcomes (Virginia Department of Education, 2007). The user's selections generate reports of various categories. An approximate 150 types of offenses are divided into eight categories and are color-coded to include: weapons related offenses, offenses against students, offenses against staff, alcohol, tobacco, and other drug offenses, property offenses, disorderly/disruptive behavioral offenses, and the category of all other offenses. Offense codes and data are consistent with recommendations offered by the National Center for Education Statistics and the National Forum on Education Statistics (Virginia Department of Education, 2007).

When incidents occur that violate the school code of conduct, schools report DCV data. Schools report information about the incident including the school division, incident school, enrolled division and school, date of the incident, incident code, offense code, victims, time of incident, and whether an offense warrants a report to law enforcement (Virginia Department of Education, 2007). Information collected about student offenders is done so with a unique identifier and includes grade, disability, birth date, race, gender, and whether the student is limited in English proficiency (Virginia Department of Education, 2007).

The SSIR differentiates between an incident and an offense. An incident is distinguished as an event that can involve more than one offense (Virginia Department of Education, 2007). Incidents can result in multiple disciplinary sanctions as an incident can involve more than one student. An offense is problem behavior displayed by the student (Virginia Department of Education 2007). Each offense has a specific code and definition. Frequency of offenses are reported on the SSIR website not the number of incidents (Virginia Department of Education, 2007). Bullying is a type of offense that is required to be reported regardless of disciplinary action. The SSIR website also distinguishes between an individual student offender and a student offender. The offender count and individual offender counts are different in how each is tabulated. An offender count tabulates each student each time that student commits an offense. An individual offender count tabulates each student only one time despite the number of times the offense is repeated by the same student (Virginia Department of Education, 2007).

At the school division level, DCV data is entered into a local data management system typically by a DCV Coordinator who ensures that the process of data collection and reporting data to the VDOE operate in a smooth fashion (Virginia Department of Education, 2007). School divisions often establish teams that regularly review the data being collected and correct any

errors that flow from the data (Virginia Department of Education, 2007). It is the responsibility of each school division in Virginia to report DCV data to the VDOE.

The data for this study regarding the percentage of student offenses of bullying variable was retrieved from the SSIR website in the form of an offense frequency chart and was displayed as an Excel spreadsheet. Since the SSIR website is considered to be public domain and the data is archival, no permission was necessary to use the data for this study.

### **Procedures**

In order to conduct this study, the Institutional Review Board (IRB) conducted an exemption certification review. Data collection began after the IRB solicited their approval (see Appendix C for IRB Approval).

#### **Predictor Variable (Adherence of Anti-bullying Policies)**

Sources of data for anti-bullying policies were selected from the Virginia school division's student codes of conduct and school board policies published on the school's website as of 2016 – 2017. The researcher accessed 69 school division policies. After obtaining the school policies from the school divisions' published websites, the policies were copied and pasted into a Microsoft Word document to ensure that all policies published as of 2016 – 2017 were collected. The Microsoft Word document listing all 69 school division policies was printed and stored into a filing cabinet until the time each policy was analyzed individually. School division policies were then removed from the filing cabinet and the researcher reviewed each policy. The researcher used the Modified Subcomponent Criterion List (see Appendix A for Criterion List) to manually score each policy using the scoring scheme that included the criteria: definition of bullying, reporting, investigations, written records, sanctions, and mental health referrals. A tally chart, created by the researcher, was used to display the scores of the school

division bullying policies. The tally chart listed each school division as columns and each criterion (definition of bullying, reporting, investigations, written records, sanctions, and mental health referrals) of the Modified Subcomponent Criterion List (see Appendix A for Criterion List) was listed as rows on the chart. The researcher marked scores for each criterion in the appropriate numerical score section on the tally chart, which were listed in a range from 0 (the lowest) to 2 (the highest). The researcher added up all scores for the school division policy and listed the total score in the column marked as policy score total. Total scores ranged from 0 (the policy had none of the criteria present in its bullying policy) to 12 (all criteria were met in the modified subcomponent criterion list). Data from the tally chart was then entered into the program, Statistical Package for Social Sciences (SPSS), version 24.0.

### **Criterion Variable (Percentage of Student Offenses of Bullying)**

Data that addressed the criterion variable (percentage of student offenses of bullying) was extracted from the Safe Schools Information Resource (SSIR) website located at <https://p1pe.doe.virginia.gov/pti/>. Since data for individual student offenders is archived and made available to the public, it protects student anonymity. To access the SSIR website, the researcher obtained the VDOE (2017) website. On the VDOE home page, the researcher went to the left side of the page, entitled VDOE Home, and scrolled down 13 places to select the “Statistics and Reports” tab. Once the researcher retrieved the Statistics and Report home page, the researcher located the “School Climate Reports” tab on the far right side of page. The researcher selected the School Climate Report tab and on the homepage scrolled down to the middle of the homepage to find the “Safe Schools Information Resource” (SSIR) section. In that section, the researcher selected the link: Safe Schools Information Resource (SSIR): School Crime and Safety. On the SSIR main page, the researcher located the SSIR Report Selection. On

the SSIR Report Selection, there are 14 selection options. Each option limits the type of data that was retrieved by the user with an issue index. From the selection options available, the researcher used the options of school year, division name, offense type, and report type. For the school year selection option, the researcher scrolled down to select the year range of 2016 – 2017. The researcher selected “All” for the division name option. For offense type, the researcher scrolled down to select “Bullying” (BU1) and lastly, the researcher clicked on the box labeled, “Offense frequency” in the report type category. After selecting the options of school year, division name, offense type, and report type, an offense frequency chart displayed as an Excel spreadsheet created by the SSIR website (see Appendix E for Excel spreadsheet). The generated offense frequency chart displayed the school division name, division number, school year, student population, the number of individual student offenders, and the focus offense. The offense frequency chart was collected from the SSIR website and was stored in the form of an Excel spreadsheet.

In a separate Excel spreadsheet generated by the researcher, the researcher assigned a coded number to each school division and listed the school division’s coded number in the Excel spreadsheet located in the far left hand column, the first column of the chart entitled, “school code.” This variable was coded as “1,” “2,” “3,” “4,” “5,” until each of the 69 school division names were provided with a respective number in Excel. The school division’s coded numbers were displayed in ascending order. Next, using the school division policy score tally chart, the researcher identified the school division and beside its corresponding coded number in Excel, the researcher listed the school division’s policy scores for each criterion of the Modified Subcomponent Criterion List into the Excel spreadsheet in separate columns to total six columns for each subcomponent (definition, reporting, investigations, written records, sanctions, and

mental health referrals). Following this step, the researcher referenced the tally chart once again to transfer the corresponding school division policy's total score into Excel as an eighth column listed as "total policy score." Then, using the offense frequency chart, the researcher entered into Excel the school division's corresponding total student population in the ninth column marked "student population." Next, also using the offense frequency chart, the researcher entered the individual student offenders into Excel for each school division in a tenth column created by the researcher and identified as "individual student offenders." The researcher then created an eleventh column in the Excel spreadsheet entitled, "percentage of offenses." The researcher had Excel compute a percentage of student offenses of bullying, which was derived from the total student population and the number of individual student offenders. Following computation of the percentage of student offenses of bullying in Excel, the researcher transferred the percentage of offenses and the school division's total policy score into SPSS for statistical analysis.

### **Data Analysis**

The Pearson correlation was used in this study to test the null hypothesis that there is no significant relationship between the adherence of the school division's bullying policy score and the percentage of student offenses of bullying in the school division. A Pearson correlation was considered appropriate because it can analyze the significance and magnitude between a predictor and criterion variable and is useful in order to determine tentative causal relationships (Cook & Cook, 2008; Gall et al., 2007). SPSS statistics, a software program developed by IBM, was used to support data analysis.

Data screening was conducted on the two variables regarding data inconsistencies. In order for Pearson's  $r$  to be able to describe the relationship between two variables, three assumptions must be met (Warner, 2013). The Pearson correlation requires that the assumptions



of bivariate outliers, linearity, and bivariate normal distribution be tenable. Preliminary analyses were conducted to check for violations of each assumption. A scatter plot was developed to examine the first assumption of bivariate outliers. To test the assumption of linearity, a scatterplot was used to reveal if the relationships between the variables were linear, curvilinear, or nonexistent. A scatterplot was also used to validate the assumption of bivariate normal distribution. After a visual examination of the scatter plot, the researcher did not identify a classic cigar-shape that would indicate that the variables were normally distributed (Warner, 2013). As a result, the assumption of bivariate normal distribution was not tenable. Therefore, the researcher proceeded with a non-parametric measure of correlation, the Spearman's rank order coefficient at the 95% confidence level. A Spearman's rank order coefficient was determined to be appropriate because the assumption of bivariate normal distribution is not required.

## CHAPTER FOUR: FINDINGS

### Overview

This study examined the relationship between the adherence of anti-bullying policy scores as measured by the Modified Subcomponent Criterion List and the percentage of student offenses of bullying in the school divisions of Virginia. Chapter Four will include discussion of the descriptive statistics, data screening procedures, and assumption testing. Chapter four will also present both the results for the null hypothesis and the Spearman's rank order coefficient.

### Research Question

**RQ1:** Is there a relationship between the adherence of the Virginia school division's anti-bullying policy and the percentage of student offenses of bullying in each school division?

### Null Hypothesis

**H<sub>0</sub>1:** There is no significant relationship between the adherence of the Virginia school division's anti-bullying policy scores as measured by the Modified Subcomponent Criterion List and the percentage of student offenses of bullying in each school division.

### Descriptive Statistics

A convenience sample of 132 Virginia school divisions were chosen for this study; of the 132 school divisions, a total sample of 69 public school divisions were used as data sources for this study, as 63 were removed due to incomplete data. This sample represents 48% of all public school divisions of Virginia. Adherence of Virginia school division's anti-bullying policy total scores ranged from 0 (the policy had none of the criteria present in its anti-bullying policy) to 12 (all criteria were met in the Modified Subcomponent Criterion List) (see Table 1). Mean and standard deviation for the criterion variable (percentage of student offenses of bullying) can also be found in Table 1. The score frequency for each criterion and the percentage of criteria that

scored a rating of 0 to 2 from the Modified Subcomponent Criterion List is represented in Table 2. Only the definition criterion had the highest percentage of scores that achieved a 2 while reporting, investigations, written records, and mental health referrals had the lowest percentage of scores at 0 from the scoring scheme of the Modified Subcomponent Criterion List.

Table 1

*Descriptive Statistics of Predictor Variable*

<u>Variable</u>	<u>N</u>	<u>Mean</u>	<u>S.D.</u>
Adherence of Virginia School Division's Anti-Bullying Policy	69	4.83	2.85

*Descriptive Statistics of Criterion Variable*

<u>Variable</u>	<u>N</u>	<u>Mean</u>	<u>S.D.</u>
Percentage of Student Offenses of Bullying	69	.003	.003

Table 2

*Modified Subcomponent Criterion List Score Frequency and Percentages*

Score Frequency	Definition	Reporting	Investigations	Written Records	Sanctions	Mental Health Referrals
2	59	16	11	10	6	5
Percentage	86%	23%	16%	14%	09%	07%
1	8	11	28	10	51	7
Percentage	12%	16%	41%	14%	74%	10%
0	2	42	30	49	12	57
Percentage	03%	61%	43%	71%	17%	83%

## Results

Data screening was conducted to check for missing data, outliers, and inconsistencies among the predictor and criterion variables. All data errors, inconsistencies, and outliers were identified in accordance with the procedure recommended by Warner (2013). In order to assess whether the requirements were met to use a Pearson correlation, assumption testing was completed prior to data analysis. A Pearson correlation requires that the assumptions of bivariate outliers, linearity, and bivariate normal distribution be tenable (Warner, 2013). The assumption of linearity was assessed using a scatter plot between the adherence of the school division's anti-bullying policy score and the percentage of student offenses of bullying. The assumption of linearity was met after a visual examination of the scatter plot for the predictor variable and the criterion variable revealed the signs of a tenable negative linear relationship (see Figure 1 for linearity plot).

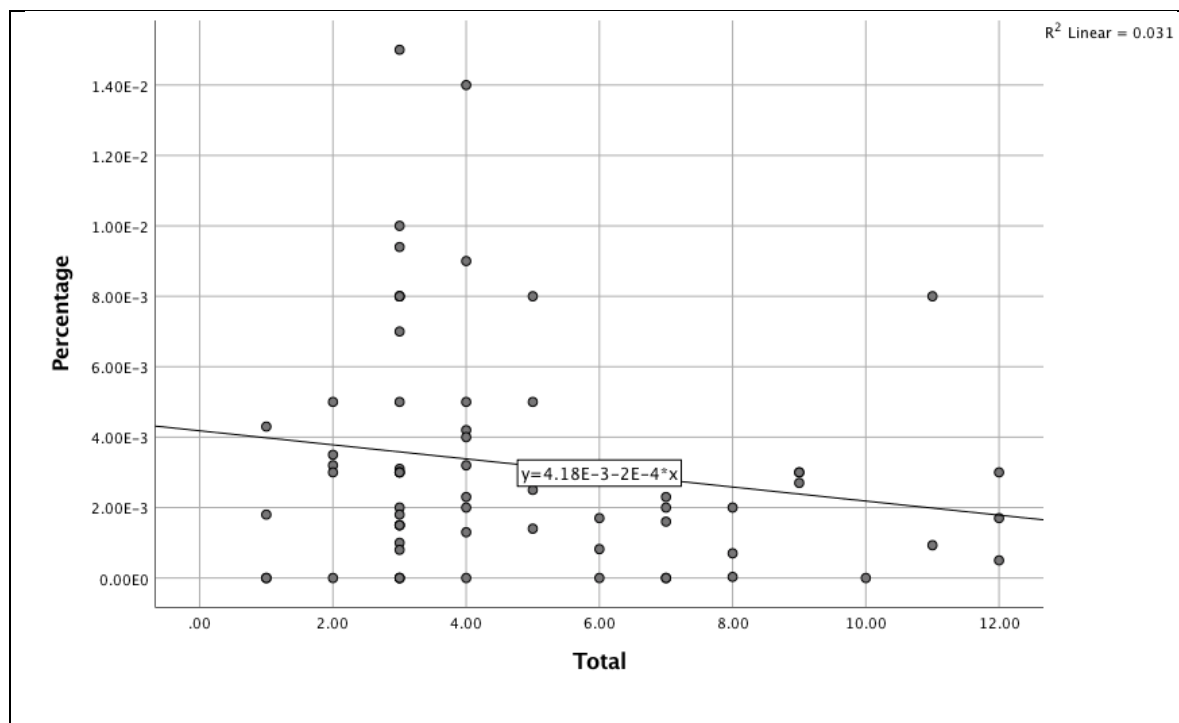


Figure 1. Linearity Plot.

The researcher then visually examined a scatter plot in order to determine whether the data met the assumptions of bivariate outliers and bivariate normal distribution (see Figure 2 for bivariate normal distribution scatter plot). After a visual analysis of the scatter plot, there were no bivariate outliers identified by the researcher. Therefore, the assumption of bivariate outliers was tenable. The assumption of bivariate normal distribution, however, was not met for the predictor and the criterion variable because the scatter plot did not follow the classical cigar shape. As a result, the researcher proceeded to test the hypothesis with a Spearman's rank order coefficient at the 95% confidence level. A Spearman's rank order coefficient was selected because it does not rely on the assumption of bivariate normal distribution.

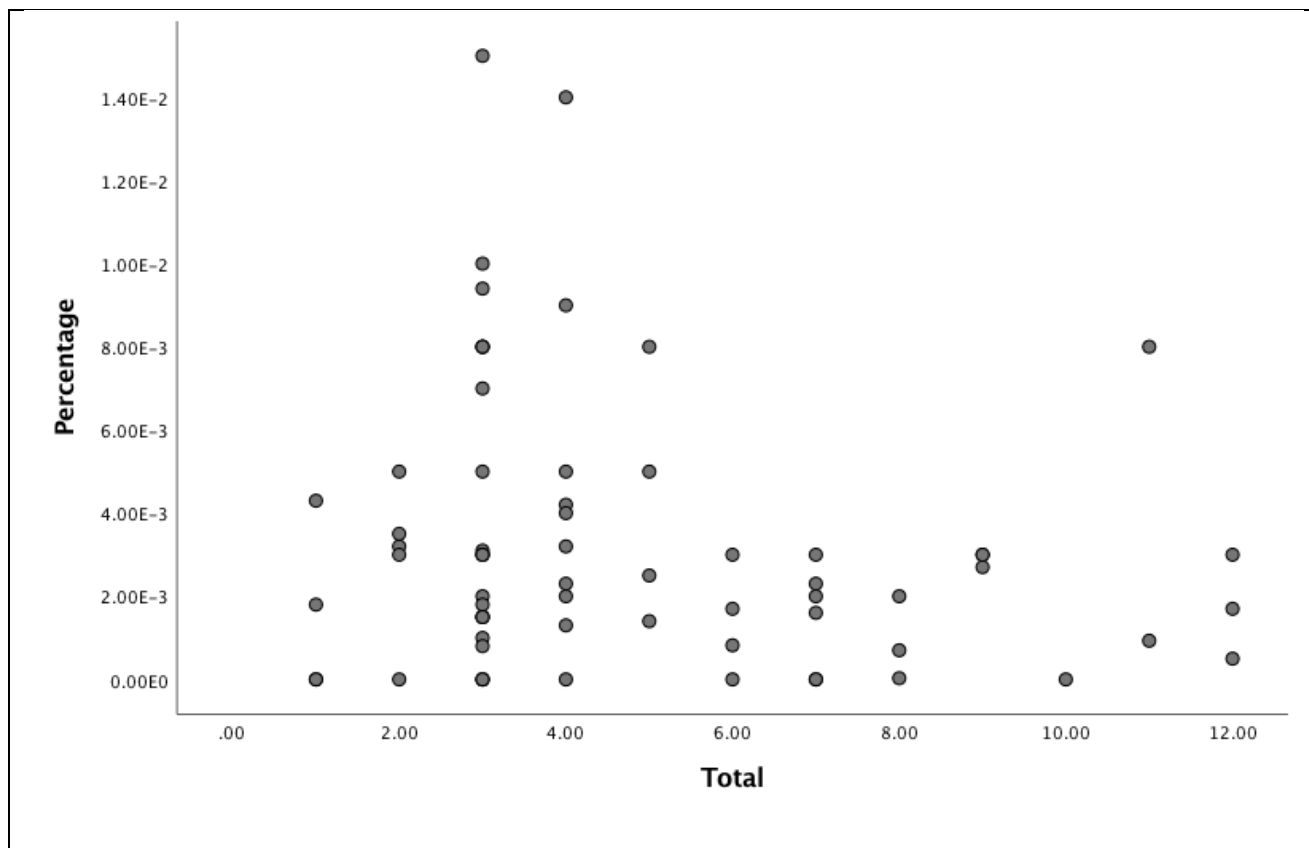


Figure 2. Bivariate normal distribution scatter plot.

### Hypothesis

To test the null hypothesis, the researcher compared the relationship between the adherence of the Virginia school division's anti-bullying policy score and the percentage of student offenses of bullying. A Spearman's rho was calculated, and the researcher did not find a statistically significant relationship between the adherence of the Virginia school division's anti-bullying policy score as measured by the Modified Subcomponent Criterion List and the percentage of student offenses of bullying. Therefore, the researcher failed to reject the null where  $r(67) = -.14, p = .26$ . The effect size was large indicating a strong relationship according to Warner (2013, p. 208). The relationship was negative meaning that as the anti-bullying policy increased in adherence, the number of bullying incidents decreased.

## **CHAPTER FIVE: CONCLUSIONS**

### **Overview**

The purpose of this quantitative correlational study was to determine the relationship between the adherence of the Virginia school division's anti-bullying policy and the percentage of student offenses of bullying in each school division. In Chapter Five, implications of the statistical analysis will be discussed. Limitations of the study are examined and future recommendations for research are presented.

### **Discussion**

In this study, the researcher sought to determine if there was a relationship between the adherence of the Virginia school division's anti-bullying policy scores as measured by the Modified Subcomponent Criterion List and the percentage of student offenses of bullying. In order to answer this research question, a Spearman's rank order coefficient was selected to analyze the data. The results of this study revealed that there was no statistically significant relationship between Virginia school divisions' anti-bullying policy scores and the percentage of student offenses of bullying. The results did indicate, however, a strong negative relationship and tentatively suggests that as the adherence of the anti-bullying policy increased, the number of bullying incidents decreased.

The findings of this study confirm the potential impact of law and policy in the effort to identify and respond to bullying at the local level and although there is not a one-size-fits-all solution, researchers agree that bullying is a multifaceted issue that also requires a reciprocal approach, one that is multipronged in its effort to proliferate the school environment with an evidence-based comprehensive strategy that includes preventative and intervention strategies (Hatzenbuehler et al., 2015). Furthermore, the finding of this study also aligns with the literature

review indicating that the specific content of anti-bullying law and policy does carry great weight as an effort to address bullying (Cascardi et al., 2014; Cornell & Limber, 2015; Hatzenbuehler et al., 2015; NASEM, 2016, Stuart-Cassel et al., 2011). Despite the significance of policy content and its association with reducing bullying outcomes, one explanation regarding the finding of this study can be attributed to the current gap in the literature that recognizes the presence of an unmeasured factor and more likely a conglomerate of common policy factors that may be responsible for the relationship between anti-bullying policy and bullying outcomes.

The legislative components recommended by the Department of Education are the framework that has been utilized to analyze anti-bullying legislation and policy. Without explicit federal anti-bullying law, the federal government proposes policy and guidelines that are to purposefully and significantly influence state and local action regarding the issue (NASEM, 2016). One such notable federal initiative resulted in the 2010 Dear Colleague Letter and included from the Department of Education Office of Civil Rights a suggested list of key legislative components for their inclusion in state law and local policy (NASEM, 2016). Thus, the origination of the USDOE components were developed as a means of response to state legislatures who requested technical assistance in revising their existing laws and policies regarding bullying (NASEM, 2016). These components represent what the USDOE recommend as guidance to state and local law; however, there are other frameworks that have been developed as a means to assess the necessary content of anti-bullying laws. Srabastian et al. (2008) utilized a public health framework comprised of four components while Kosse and Wright (2005) proffered a legal framework suggesting 10 legislative components to be mandated for school district anti-bullying policies. The public health and legal frameworks delineate worthy components of anti-bullying law and policy, yet because research is still so very limited



in assessing the impact that law has on bullying, these frameworks have not been evaluated to the extent necessary to determine which components are to be included within law and policy to produce positive, substantiated impact (NASEM, 2016). According to the National Academies of Science, Engineering, and Medicine (2016), the USDOE framework is the only one that has been evaluated.

Applying the USDOE components recommended for school anti-bullying policies, the findings of this study support Hatzenbuehler et al. (2015) who confirmed state anti-bullying laws with at least one USDOE legislative component had a decreased rate of reported bullying and cyberbullying when compared to those states that did not contain any USDOE legislative components. Thus, the findings of this study and Hatzenbuehler et al. (2015) affirm the beginning of evidence-based research that recognizes USDOE components are effectual in their ability to achieve positive impact when included within the content of anti-bullying laws (NASEM, 2016). One explanation for these findings is a notable recognition of law and its purpose. A law has both a coercive and expressive effect and in its purest function rests the argument that it coerces a specific response and behavior to what is harmful and morally wrong (Waldman, 2018). When law addresses a social issue, there is also a corresponding implication that the effects of that law will also be imperfectly measured (Waldman, 2018). Despite this, there must be a measure with which to evaluate a law's effectiveness yet doing so with the understanding that any law has its limitations and may be more effective at solving one issue over another (Waldman, 2018). The USDOE framework has been evaluated as a measure with which to analyze anti-bullying laws and policies and has been empirically proven that the inclusion of its components does affect the desired response to reduce bullying.

In addition, the findings of this study also agree with Limber and Small (2003) who assert that the merit of a law is often dependent upon the degree of care exercised in its writing. Yet in equal measure, the merit of a law is also determined by its ability to influence local school policies and proactive programs (Limber & Small, 2003). Law has historically been employed as a useful vehicle to safeguard children from different forms of violence; however, based on the current research findings, the very presence of a policy does not guarantee its immediate and consistent implementation (Hall, 2017). One explanation for this finding rests in the fact that the mere adoption of a policy does not always guarantee that it will be put into practice as intended (Hall, 2017). As such, the findings of this study support Hall (2017) who ultimately concluded that policy presence is indeed necessary but is in no way sufficient to affect the outcomes of student behavior.

Additionally, to more accurately understand the findings of this study, it is also important to recognize that the process of policy development and its prescribed components is one that extends to the core of a state's legislative history. According to Stuart-Cassel et al. (2011), there are significant differences in the construction of a law that are reflective of the degree of autonomy granted to state agencies and local levels of authority. Alongside this is the underlying noticeable political trend identified in the study of Stuart-Cassel et al. (2011) that those states most expansive and compliant to the USDOE components in their anti-bullying legislation were those who traditionally vote Democrat (or blue states) while those states with the least compliant legislation historically vote Republican (red states) (Waldman, 2018). Thus, these various legislative approaches within each state also create important differences in expectation regarding the formation of bullying policy (Stuart-Cassel et al., 2011). Derived from the varying expectations of policy formulation is also the co-existence of separate perspectives on the degree

of latitude and control over local policy and the degree to which mandatory prescribed policy components are necessary or desirable (Stuart-Cassel et al., 2011). Stuart-Cassel et al. (2011) identified four models of state legislation that were reflective of the differences in the delicate balance of state and local control over the formulation and accountability of bullying policy. Virginia is one of four states that centralize control at the local level within the State Department of Education (Stuart-Cassel et al., 2011). Authority is vested in the Virginia Department of Education by the General Assembly to craft a model policy regarding bullying. At the legislative level, therefore, there are few mandatory requirements to be included in the model policy or the policies crafted at the local school division level (Stuart-Cassel et al., 2011). This autonomy reflects the historical ethos that school boards have long stood as a monument of local control (Bloom, 2007). This is no less true in Virginia. In the model policy of Virginia, the only legislative requirement for adoption by local school division policies is that, at a minimum, the definition of bullying be consistent with the statutory definition (Virginia Board of Education, 2013). The findings of this study agree with this legislative environment and the resulting heterogeneity of Virginia school division policies are a reflection of this approach. In examining the results of this study more extensively, it was found that some school division policies were clearly derived from the content of Virginia's model policy and were written in a comprehensive manner that included the optional provisions alongside the statutory definition of bullying.

While this is certainly laudable, other school division policies merely included the statutory definition of bullying and mentioned sanctions that would follow an act of bullying leaving little transparency and clarity to educators, students, and parents in regards to reporting, investigating, documenting, and the appropriate relief following an incident of bullying (Temkin, Horton, & Kim, 2014). The flaw in this approach is likely rooted in an inherent

misunderstanding of bullying and its complex dynamics. It rests on the premise that bullying is an action easily discovered and that a list of sanctions will deter such behavior in the future or will address the problem of bullying (Bloom, 2007).

With substantial differences amongst local policies, there may also be considerable relation to administrators' and educators' comprehension and interpretation of policies that would influence policy implementation and policy outcomes (Hall, 2017). Therefore, policy content is crucial and directly influences a myriad of actions throughout the school that cause either positive or negative results (Hall, 2017). The overarching effect of policy content is also in agreement with Hall (2017) who stated the marked difference between one bullying policy that offers counseling services and protective measures for both the bully and the victim and a policy that mandates immediate suspension or expulsion to those who have repeatedly bullied. As language is often a hinging point for the interpretation of policy and its subsequent implementation, there is also considerable difference in policies that mandates versus encourages the reporting and investigation of an act of bullying and then further down the spectrum, contains no language at all regarding the reporting or investigation process. Both the victim and the bully are left to the discretion of school administration without strategic, specific processes of reporting and investigating when the acts of bullying are noticed or identified, if at all. Further, this finding is in agreement with Kosse and Wright (2005) who asserted the unfairness that results to both the bully and the victim when policies vary across schools in one state namely in the methods of reporting, investigating, types of sanctions, and available recourse for those involved. This unfairness is particularly demonstrated in a scenario involving two high school age males who are caught fighting. If school administrators view this fight as an isolated incident, a decision to suspend both parties is seemingly justified; however, if the same school

had an anti-bullying policy in place that documented in written records the reporting and investigation of repeated acts of bullying that had taken place by one of the male students for a number of weeks, this information would considerably change the interpretation of the interaction of the scenario (Cascardi et al., 2014). If viewed in the context of prior episodes, the sanction for fighting ignores the complex dynamics of bullying wherein the victim is treated no differently than the bully (Cascardi et al., 2014). Without specific, targeted directives for intervention, strategies for prevention, and integration of remedial services, it can be implied that the policy lays little groundwork for faithful implementation and lasting change. Consequently, this ambiguity may have affected the results of this study; however, this research as well as the related literature supports that there is yet still more than the policy itself or the expansive, adherent content of a policy that is at work to reduce bullying within a school.

The findings of this study support the relationship that policies more adherent to USDOE legislative components do lead to a reduction in bullying. Yet, the findings of this study also allude to the fact that there is also additional explanation to this relationship than the mere presence of a policy, the requirement from the legislature that school boards adopt a policy, or the fact that adherence to USDOE components has been empirically proven worthy to the content of anti-bullying policies. Ultimately, this researcher believes it is not the policy itself that alone reduces bullying. It is also not the particular presence of any one of the USDOE components, or further, the presence of all of the USDOE components that are the one singular factor that reduces bullying in schools. A reduction in bullying in schools is also not entirely dependent upon the adoption of Virginia's model policy. All of these critical facets have been proven to conjunctively play an interdependent role and undoubtedly, this researcher believes that they do; however, this researcher also postures that the potential effectiveness anti-bullying

policy has on reducing bullying within schools is not only multi-faceted but is only as successful as those efforts to enforce those policies. Therefore, those efforts are a byproduct of the individual school's approach to bullying. Inevitably, attention is turned towards the school.

The underlying reasoning regarding the findings of this study and the particular, inevitable focus on the school is largely due to the fact that the content of the model policy is not mandatory in Virginia except that school division definitions of bullying are consistent with the statutory definition of bullying. Therefore, this researcher can only make inferences regarding the motives, rationalizations, and justifications as to why some school boards have adopted the model policy in its entirety (which includes all USDOE components recommended to be included in anti-bullying policies) as well as infer explanation as to why the findings of this study indicate a more adherent school division policy to these components also corresponds to a reduction in bullying. Alongside these deductive inferences, the findings of this study point to a more narrowed scope of study that involves individual state analysis and the effectiveness of their anti-bullying laws and policies. Further, the attenuated view of this study and its findings extend the view of distant research to a more scrupulous look at the school. Moreover, this is not an approach without merit in empirical research.

According to Kosse and Wright (2005), experts concede that nearly 50% of bullying can be reduced if whole school commitment to prevent and end bullying is adopted within the school. This whole school approach echoes the premise of the expressive function of the law, which suggests that the law can and does alter social norms and acceptability of an action (Kosse & Wright, 2005; Hatzenbuehler, 2017). As a result, the expressive function of the law extends into school climate. School climate respectively acts as an extension of the laws and codes of conduct that govern the school, are implemented by faculty and staff, enforced by them, and thus

are saturated into the beliefs, attitudes, and values that become the basis of all administrator, teacher, and student interactions (Weddle, 2004). School climate, therefore, carves out what is acceptable as behavior within the school as a whole and identifies responsibility more at the level of the organization rather than solely on any one individual (Weddle, 2004). A flourishing school climate requires a great degree of comprehensive, deliberate, and sustained evaluation from a school alongside the training, direction, and coordination that is likely also represented and extends into the same commitment to enforcement and implementation of that school's anti-bullying policy. Accordingly, the type of whole-school approach regarding school climate is also necessary and is as interconnected to the dedication of deliberately and effectively creating an anti-bullying school culture. This assertion is also supported by Stuart-Cassel et al. (2011) who concluded that those school districts with more expansive policies were notably located in states with more expansive legislation, inclusive of more USDOE components. Further, it was noted that policies would not serve schools and benefit students unless a successful implementation and prevention process also followed the policy. As an example of this necessary implementation process, Stuart-Cassel et al. (2011) stated legislation that specifically defines prohibited behaviors, provides for specific sanctions (both tiered and substantial) will also require of the school extensive procedures for implementation including the reporting, investigations, and procedural processes for issuing sanctions and coinciding prevention efforts to sustain those measures. It can also be inferred that current anti-bullying statutory and policy approaches either fail to require the necessary procedures that would foster a school's commitment to alter its culture regarding bullying or fail to provide schools with the appropriate resources to pursue those types of procedures and sustained prevention efforts. Instead, most statutory and policy approaches create the option that allows schools to avoid the whole-school approach necessary to

engage in such a culture-changing process (Weddle, 2012). In Virginia, the General Assembly enacted HB1871 that required the state's Board of Education to develop a model policy and procedures prohibiting bullying; the statute did not contain, however, any requirement that schools proactively engage in the process of changing the school culture. Instead, the proactive, whole-school approach necessary for a school to alter the tide of bullying can optionally remain dormant (Weddle, 2012). In effect, a model policy is nothing more than advisory. Rather, model policies can often serve as an enabler for school boards to merely adopt the language of the policy, however little or however much, with little to no true school community involvement and no sustained effort to prevent or reduce bullying in the future (Bloom, 2007). To the extent that an anti-bullying policy is crafted without the involvement of the school community, then it is also likely that such a policy will only meet aggressive enforcement in those situations that are most egregious within the context of isolated incidents (Weddle, 2004). Although model policies may help guide a school community in the right conversations to have about bullying and are certainly a step in the right direction, there must be a coinciding opportunity for school divisions to adopt the model policy with firmness and consistency, effectively implement its components, and sustain its efforts to do so by intervening when it occurs, preventing its recurrence, and reducing it in the future.

Yet, there is challenge to this type of proactive, whole-school approach. In fact, the incentives to inundate the school with this type of approach would need to outweigh the strong disincentives for the school to remain passive. Currently, the approach to bullying is to view it as being incident-based rather than one that also takes into consideration the school culture. This type of approach centers on the actual knowledge that a school official has of a specific incident of bullying. It fails to address what school officials do to ensure the prevention of bullying in the



future or to communicate that it is not an acceptable part of the school's culture (Weddle, 2004). This is also a criticism of the Supreme Court's decision in *Davis v. Monroe County Board of Education* (1999) as it focuses the standard of liability on the response of a school to incidents of known gender-based harassment rather than the response of the school to the kind of climate that has allowed such behavior. Although action is required, there is no duty placed on the school to prevent or take effective measures to anticipate its recurrence (Weddle, 2004). The standard does little to materialize a proactive, whole school approach to bullying. Moreover, the dissent in *Davis* argues that a school's limited resources should be conserved for basic education and the lack of resources some schools experience make it difficult to address the ongoing violence and disciplinary issues that are already overwhelming (Weddle, 2004). This argument merely exacerbates the issue and misses the mark. On the contrary, this researcher believes that a learning environment where students are free to learn in emotional and physical safety is a service most basic to education. Schools that continuously deal with perpetual violence and disciplinary problems are failing a basic educational service. The Virginia Board of Education likely agrees with the assertion that a safe school is a basic and integral service to a student's education as is evidenced by their commitment to provide a safe environment with accountability measures like the *Virginia School Report Card*, the identification process of a persistently dangerous school, and the policy option for students who attend a dangerous school to transfer to a different safe school (Virginia Department of Education, 2017a). With a clear commitment from the Virginia Department of Education to protect its students from school safety issues, this researcher posits that the prevalence of bullying in schools creates just as unsafe an environment for students as does one where threats, physical assault, and sexual offenses also abound. A basic educational service is student safety and it is a school's proactive approach, commitment, and

involvement that will ultimately alter a student's environment. The role of the school in providing this service is substantial. It is the school environment that has the closest direct impact on the opportunity for its students to become victims of bullying or for bullying to continue without ensuring that appropriate measures are taken into consideration for its prevention. Therefore, although a top-down approach is crucial, there is also a bottom-up approach to bullying that is as equally if not more significant, and that effort begins at the grassroots level of the school.

In conclusion, the present research reveals that the mere presence of an anti-bullying policy will not alone reduce bullying behavior. School divisions can, however, move beyond the letter of the law, which is to have a written policy in their student code of conduct, to the spirit of the law that focuses on the fidelity of policy implementation, is adherent to a strategic framework of policy components, and builds a school environment that influences the behavior of students and school faculty regarding bullying (Temkin, Horton, & Kim, 2014). It is possible, according to Hatzenbuehler et al. (2015), that anti-bullying policies can influence the acceptability of bullying at school but further study is necessary to understand the effects of the policy as well as the activity surrounding the fidelity of its implementation and enforcement. Although there is paucity in the amount of empirical study regarding the implementation of anti-bullying law and policy, the findings of this study indicate that there is likely more than one factor at work that achieves the overarching purpose of reducing bullying in schools. Yet the findings of this study indicate that the multifaceted process begins with the policy itself, its content, and ultimately its proactive implementation and enforcement within the school. The anti-bullying policy is the intervention at the upstream level that flows into the intervention, services, and practices necessary to influence at the downstream level with first the organization, then the group, to the

individual student (Hall, 2017). The policy lays the foundation for the rest of the school to follow setting a standard that initiates strategies for prevention, integrates bullying education into the classroom, and provides training to educators. Therefore, it stands to reason that schools with an anti-bullying policy in place adherent to the recommended USDOE components and incidentally, most closely mirrors the model policy of Virginia, also likely reflect a school whose approach to bullying is one that is proactive, involves the whole school community, and perpetuates a school climate that acknowledges the complexities of bullying in the effort to address its prevention.

### **Implications**

An extensive review of the literature revealed that despite the ubiquity of bullying state legislation and policy, the data that currently exists to longitudinally evaluate their effects is still in a state of growth (Waldman, 2018). As a result, there is still limited research on the impact that the law has on bullying rates before and after its enactment (Cornell & Limber, 2015; NASEM, 2016). Therefore, it is a small and yet monumental beginning to critically analyze the various approaches to bullying within individual states and their school districts at their closest level of implementation (Waldman, 2018). The present research, however, does offer a glimpse into current school division anti-bullying policies within the state of Virginia.

The Virginia General Assembly charged the state's department of education with the task of drafting a model policy that would address bullying within its schools; however, that model policy charges schools, at a minimum, to adopt a definition of bullying consistent with the statutory definition of bullying but leaves the rest of its content as guidance for school boards to draft their own policies. Therefore, the content of the Virginia's model policy is good as it is currently written and is an invaluable tool for school boards and administrators to use when developing their own bullying prevention policies. The only issue is that with such a worthy tool

in their arsenal, not all public school divisions in Virginia have utilized its content in their anti-bullying policies. Therefore, despite the provision of anti-bullying policies, the resulting incongruity breeds a certain degree of uncertainty within the type of approach that a school will take in regard to bullying, the nuanced understanding of bullying and harassment, the type of reporting and investigations process, and the sanctions imposed in response to bullying and/or harassment. With the autonomy to create their own policies, the school boards in Virginia should consider several issues in light of the findings from this study.

First, an implication from this study is that the heterogeneous nature of current anti-bullying policies fosters uncertainty from school to school as to which type of conduct is punishable and what potential remedy exists in response to bullying. Discussed at length in the literature review, the distinctions between harassment and bullying trigger substantially different legal avenues of redress for the student who is a victim. A school division's anti-bullying policy should express the distinction between harassment and bullying. Further, it should list examples of the types of behavior that are classified as harassment and that which are classified as bullying. According to Limber and Small (2003), equating bullying with harassment fails to recognize critical elements of the definition of bullying that center on the aggressor's intent and the existence of a power imbalance. Further, leaving the two terms indistinguishable also lends to confusion for schools who are federally required to have policies that prohibit harassment on the basis of sex, race, national origin, and disability which trigger civil rights laws (Limber & Small, 2003). An act of bullying, on the other hand, is not limited by the requirement that it must be associated with a member of a protected class. Instead, an anti-bullying policy should notably be free of these limitations.

A second implication from this study is that a rigorous reporting and investigations procedure, as exemplified in Virginia's model policy, is necessary if not crucial. Although there is no reason to presume the requirement to report reduces bullying, a rigorous process of reporting that also includes anonymous student reporting does embody a comprehensive, whole school approach that can alter the school environment (Limber & Small, 2003). Therefore, a mandatory reporting scheme that delineates specific mechanisms for reporting, whether to a designated school official or through anonymous means, conveys to students that reporting can be safe, handled correctly, and conducted expediently. This curbs the potential that a bullying victim will suffer silently as the distinctions between bullying and other forms of peer aggression create greater need for sensitive procedures for both reporting and investigations (Cornell & Limber, 2015). Further, a rigorous reporting and investigations procedure creates a standard for schools to follow. It provides a means for processing all complaints and reports of bullying, requires documentation procedures, and allows for a specific mechanism to substantiate a bullying complaint. A rigorous reporting and investigation procedure also helps to ensure that the school is proactive following a confirmed and substantiated bullying report.

A third implication from this study is that school boards adopt a thorough investigations process for a report of bullying. The process of reporting and investigations seemingly go hand in hand and one seems ineffective without the other. For example, if a student reports to a school official that he/she is being bullied then it also follows that the school official might officially investigate this alleged claim, document it in writing, immediately intervene for the victim with special consideration for their safety, and notify parents. This process should be delineated within the student code of conduct as guidelines so that all parties are aware of each step. Within this investigation process, there is also an acknowledgement to due process concerns for the

alleged perpetrator, as witnesses are interviewed, evidence is reviewed, allegations are presented in their presence alongside the opportunity for rebuttal, the investigation process is explained as well as its follow-up, retaliation is discussed and prohibited, and parents of the perpetrator are also informed. Within this type of investigations process, there is left little room for question, if appealed, as to rendering the act as one of bullying, imposing its appropriate consequence, and enacting preventative measures as it also follows that extensive written documentation is inherent within this process. The model policy of Virginia contains such a process, yet not all schools make it an explicit component within their anti-bullying policies.

The type of whole school approach necessary to curb bullying is reflected in the adherence of school anti-bullying policies. For example, if school board A has adopted a written policy that mandates reporting, outlines the process to report, outlines a specific investigation process, notifies parents, protects victims, provides for punitive sanctions alongside supportive interventions, and also requires counseling and support services for victims, this is a policy adherent to the six USDOE subcomponents designated for school district anti-bullying policies. It is an expansive policy; however, this also sets a high standard for the school, one that is premised on the school being able to achieve what it says that it will, one that because of its content inspires a proactive, serious effort on the part of the school as it also sets in motion a mechanism to legally follow. At first glance, this type of policy might make a school administrator blanch at the level of procedural involvement; however, it is also fair to assess that such a policy avoids by compliance and prevention what, in the inverse, a policy potentially invites when it merely states a statutory definition and a list of sanctions. Further, a school that effectively implements anti-bullying policy and deliberately plans to enforce the school climate where it is prevented will require willful, sustained, and deliberate attention. It is, therefore,

essential for school administration to take the proactive, whole-school approach represented by the expansiveness and adherence of their policy. It is this level of care, exercised by the school board's approach, that funnels down to school administrators, educators, and to students. Administrators and teachers must engage in the process that includes the training and coordination regarding bullying coupled with the willingness to evaluate the school climate (Weddle, 2004). Moreover, this is an approach that involves an entire school community including the administrative level, teachers, office and maintenance staff, as well as students (Weddle, 2004). Thus, the environment of the school is either passionate or apathetic in regards to the presence or acceptability of bullying within their school. Consequently, as a concurrent implication of this study, the integrity and merit of an anti-bullying policy and its potential effectiveness to prevent and reduce bullying likely reflects the school's approach to intervene and prevent occurrences of bullying.

### **Limitations**

There were several limitations to this study. First, the study's sample size was a limitation. A convenience sample of 132 public school divisions was originally chosen for this study. Although convenience sampling can be highly efficient, it can as in this case, lead to an underrepresentation making it more difficult to generalize the findings of this study. In the present research, due to incomplete data on the offense frequency chart, 63 of the 132 school divisions were removed. This represents 48% of the public school divisions of Virginia. The removal of nearly half of the sample size not only created a smaller, less diverse sample, but the reason for their removal presented the second limitation of this study which included the validity of the offense frequency chart. Of the 132 public school divisions in Virginia, 63 school divisions did not indicate any data for individual student offenses of bullying on the offense

frequency chart generated by the Safe Schools Information Resource (SSIR) website. According to the Virginia Department of Education (VDOE), all school divisions are required to submit discipline, crime, and violence (DCV) data on a yearly basis pursuant to state law (Virginia Department of Education, 2007). Although bullying is a type of offense that requires mandatory reporting regardless of disciplinary sanction, differences in student codes of conduct and administrative discretion do affect the reporting of incidents (Virginia Department of Education, 2007). The incongruous nature of reported data lends credibility to the assertion that exact and precise measurements of bullying are not only difficult to identify, but also may differ across studies (Stuart-Cassel et al., 2011; NASEM, 2016). The limitation of reported data also reflects the heterogeneity of school policies in what school administrators or DCV coordinators are to report as an act of bullying and the types of disciplinary outcomes imposed (VDOE, 2007). This latitude in reporting reflects the limitation of DCV data that arises from both the varied methods of data management and collection as well as variations in local policies (VDOE, 2007). This limitation is exemplified in the varied procedural process of reporting across schools. Some school division anti-bullying policies maintain a rigorous mandatory reporting procedure while others merely encourage reporting. Some school policies do not contain any language regarding the reporting of bullying behavior. This may lead to skewed data regarding the confirmed number of bullying incidents within each school division. As a result, variations amongst school policies, administrative discretion, and the process of reporting and managing DCV may lead to inaccurate information within the offense frequency chart.

An additional limitation to the present research was that the data did not meet the assumption of bivariate normal distribution. Without this assumption being met, the researcher could not successfully conduct a Pearson correlation, and had to use the Spearman's rank order



coefficient. Since the Spearman correlation does not rely on continuous-level data, the result is data that is ranked; therefore, a broad interpretation of the data is more limited and undermines generalizations that can be made from this study (Hall, 2017). In addition, correlational studies cannot examine and identify a key component of causality, namely, a temporal relationship between an anti-bullying policy's adoption and implementation that led to a reduction in bullying over a period of time (Hall, 2017). These limitations should be taken into consideration when continuing this research in future studies.

### **Recommendations for Future Research**

It is evident by the results of this study that state legislators have indeed responded to the bullying dilemma within schools. Ultimately, however, future study is necessary in order to identify the specific components that contribute to a reduction in bullying and are the most influential as a part of policy content; there may be components that better address bullying intervention and prevention while others more specifically target bullying perpetration and effect change in the social climate of the school regarding bullying. Researchers should address this goal with study designs that might potentially isolate these policy components, at a more granular level, and then apply this knowledge to policy, practice, and intervention. This area should also be further explored and analyzed in relation to administrators' and educators' comprehension of their policies, which may be a significant factor in their actions to implement the policy and resulting policy outcomes. Further, it may also be necessary to understand which policy components address all forms of bullying whether physical, social, or cyberbullying (NASEM, 2016). Moreover, future researchers should consider the effectiveness of anti-bullying policy in potentially reducing the adverse consequences of bullying victimization in the forms of low academic achievement, depression, substance abuse, or suicidal ideation (NASEM, 2016).

Future research might also consider more in-depth, multilevel analyses that captures variables including the content of policies, implementation fidelity, as well as factors that are representative of individual school climates (Hall, 2017). In addition, a more representative sample might help researchers achieve a more narrow understanding of policy effectiveness; for example, administrators, educators, mental health counselors, and the student body can help future qualitative studies gather a multiperspective comprehension of the effectiveness of anti-bullying policy (Hall, 2017). Lastly, future study is also necessary in order to elucidate the contextual and specific social environment factors within individual schools that either facilitate or impede successful implementation of anti-bullying policy, particularly in understanding why some school divisions in Virginia have adopted the model policy in its entirety and why others have chosen to refrain (NASEM, 2016).

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### APPENDIX A: MODIFIED SUBCOMPONENT CRITERION LIST

Subcomponent	Rating		
	0	1	2
Definition	None District policy does not contain any explicit definition.	Any Definition District policy defines what constitutes bully behavior.	Conforms to State District policy defines bully behavior that is consistent with state legislation and/or commonly used research based practices found in the literature.
Reporting	None District policy does not contain any explicit requirements related to incident reporting.	Encouraged reporting and procedures District policy encourages reporting school personnel and/or students and outlines specific mechanisms, such as designating school personnel or providing for anonymous reporting.	Mandatory reporting by staff and/or students District policy mandates that school personnel and/or students who witness bullying must report and outlines specific mechanisms, such as designating school personnel or providing for anonymous reporting.
Investigations	None District policy does not contain any explicit district requirements related to investigation of reports.	General requirements for investigation District policy contains language related to investigating complaints. May designate school personnel to receive reports and conduct investigations.	Specific requirements for investigation District policy contains specific language and outlines an investigation process. Process may include parent notifications and safeguards for victims.
Written Records	None District policy does not address written documentation for reporting or investigations.	Documentation of reporting District policy requires schools to maintain written documentation of reported incidents.	Documentation of reporting, investigation, and response District policy requires schools to maintain written documentation of reported incidents, and includes specific language outlining written requirements of forms.
Sanctions	None District policy does not address disciplinary actions or other consequences for prohibited behavior.	Disciplinary consequences (punitive only) District policy requires the inclusion of consequences or sanctions, but focuses on punitive consequences only.	Expansive consequences (punitive with supportive interventions) District policy requires schools to address consequences or sanctions that include both punitive sanctions and supportive or remedial interventions for aggressors.
Mental Health Referrals	None District policy does not address counseling or other supportive services for victims.	Limited counseling, intervention component District policy encourages schools to provide counseling or other supportive services for victims.	Strong counseling component District policy requires that schools provide counseling or other supportive services to victims.

**APPENDIX B: APPROVAL FOR USE OF METHODOLOGY**

Brandy Vaughn <bvaughn@stjohn.k12.la.us>

Reply all|

Mon 10/9, 2:56 PM

Zachry, Amber;

ktcampbell@selu.edu

+1 more

Amber,

Yes! I do give you permission to use the instrument (modified subcomponent criterion list) I used in my study. If you need anything further or if I can be of any assistance, please let me know.

Best,

Brandy Vaughn

Sent from my iPhone

## APPENDIX C: INSTITUTIONAL REVIEW BOARD (IRB) APPROVAL

**LIBERTY UNIVERSITY.**  
INSTITUTIONAL REVIEW BOARD

June 1, 2018

Amber Zachry

IRB Application 3358: The Relationship Between Virginia School Divisions' Anti-Bullying Policy Scores and the Percentage of Student Offenses of Bullying

Dear Amber Zachry,


The Liberty University Institutional Review Board has reviewed your application in accordance with the Office for Human Research Protections (OHRP) and Food and Drug Administration (FDA) regulations and finds your study does not classify as human subjects research. This means you may begin your research with the data safeguarding methods mentioned in your IRB application.

Your study does not classify as human subjects research because it will not involve the collection of identifiable, private information.

Please note that this decision only applies to your current research application, and any changes to your protocol must be reported to the Liberty IRB for verification of continued non-human subjects research status. You may report these changes by submitting a new application to the IRB and referencing the above IRB Application number.

If you have any questions about this determination or need assistance in identifying whether possible changes to your protocol would change your application's status, please email us at [irb@liberty.edu](mailto:irb@liberty.edu).

Sincerely,

  
**G. Michele Baker, MA, CIP**  
*Administrative Chair of Institutional Research*  
**The Graduate School**

**LIBERTY**  
UNIVERSITY.  
*Liberty University | Training Champions for Christ since 1971*



**APPENDIX D:  
LIST OF VA SCHOOL DIVISIONS' STUDENT CODES OF CONDUCT WEBSITES**

**Amherst County Public Schools**

[http://www.amherst.k12.va.us/documents/ACPS\\_Student\\_Code\\_of\\_Conduct.pdf](http://www.amherst.k12.va.us/documents/ACPS_Student_Code_of_Conduct.pdf)

<http://www.amherst.k12.va.us/documents/SecJ04.pdf>

[http://www.amherst.k12.va.us/documents/health/Elem\\_Middle\\_2016-2017\\_Code\\_Conduct.pdf](http://www.amherst.k12.va.us/documents/health/Elem_Middle_2016-2017_Code_Conduct.pdf)

**Appomattox County Public Schools**

[https://va02205093.schoolwires.net/site/handlers/filedownload.ashx?moduleinstanceid=145&dataid=326&FileName=ACHS\\_Student\\_Handbook.pdf](https://va02205093.schoolwires.net/site/handlers/filedownload.ashx?moduleinstanceid=145&dataid=326&FileName=ACHS_Student_Handbook.pdf)

**Arlington Public Schools**

<https://www.apsva.us/wp-content/uploads/2015/02/25-1.17-Student-Safety-Bullying-Harassment-Prevention.pdf>

[https://www.apsva.us/wp-content/uploads/legacy\\_assets/www/9da2bf93fa-25-1.17-bullying.harassment.prevention-pip.pdf](https://www.apsva.us/wp-content/uploads/legacy_assets/www/9da2bf93fa-25-1.17-bullying.harassment.prevention-pip.pdf)

**Augusta County Public Schools**

<https://www.augusta.k12.va.us/cms/lib/VA01000173/Centricity/Domain/17/2017-2018%20Administrative%20Manual%20V3.pdf>

**Bath County Public Schools**

<http://www.bath.k12.va.us/wp-content/uploads/School-Board/Policy-Regulations/J/JFC.pdf>

**Bristol City Public Schools**

<https://www.bvps.org/ourpages/auto/2016/9/5/75134154394933755421/JFC.pdf>

[https://www.bvps.org/ourpages/auto/2017/10/3/23015226991580671509/JFC-R%20-%20Standards%20of%20Student%20Conduct%20\(Option%20\).pdf](https://www.bvps.org/ourpages/auto/2017/10/3/23015226991580671509/JFC-R%20-%20Standards%20of%20Student%20Conduct%20(Option%20).pdf)

**Campbell County Schools**

<http://www.campbell.k12.va.us/parents-students/campbell-county-schools-policy-manual>

**Charles City County Public Schools**

<http://ccps.net/wp-content/uploads/2016/03/JEC-STUDENT-CONDUCT.pdf>

**Charlotte County Public Schools**

<http://yourcharlotteschools.net/students/documents/15-16/CodeOfStudentConduct.pdf>

**Chesapeake City Public Schools**

[https://cpschools.com/student-discipline/wp-content/uploads/sites/111/2017/08/studentconductpolicyguidelines\\_1617.pdf](https://cpschools.com/student-discipline/wp-content/uploads/sites/111/2017/08/studentconductpolicyguidelines_1617.pdf)

**Chesterfield County Public Schools**

[http://mychesterfieldschools.com/wp-content/uploads/school\\_info\\_files/2016-17Standards\\_of\\_student\\_conduct.pdf](http://mychesterfieldschools.com/wp-content/uploads/school_info_files/2016-17Standards_of_student_conduct.pdf)

Colonial Heights City Public Schools

<https://chhs.colonialhts.net/documents/Home/Parents%20and%20Students/2016-17%20CHHS%20Handbook%20FINAL.pdf>

Covington City Public Schools

[http://www.covington.k12.va.us/UserFiles/Servers/Server\\_176970/File/Rev%20JFC-R\\_\(Opt.2\).pdf](http://www.covington.k12.va.us/UserFiles/Servers/Server_176970/File/Rev%20JFC-R_(Opt.2).pdf)

Culpeper County Public Schools

[https://www.culpeperschools.org/UserFiles/Servers/Server\\_342422/File/Division/School%20Board/Board%20Agenda%20and%20Minute%20Archives/2014%20Meetings/June%202023/JFCR1CodeofConductJUNE2014CHANGES.pdf](https://www.culpeperschools.org/UserFiles/Servers/Server_342422/File/Division/School%20Board/Board%20Agenda%20and%20Minute%20Archives/2014%20Meetings/June%202023/JFCR1CodeofConductJUNE2014CHANGES.pdf)

Danville City Public Schools

[http://www.danvillepublicschools.org/content/uploads/File/policies\\_procedures/corrected\\_student\\_code\\_of\\_conduct\\_proposed\\_revisions2017-2018\\_june2017\\_\\_final.pdf](http://www.danvillepublicschools.org/content/uploads/File/policies_procedures/corrected_student_code_of_conduct_proposed_revisions2017-2018_june2017__final.pdf)

Dinwiddie County Public Schools

[http://www.dinwiddie.k12.va.us/wp-content/uploads/2012/07/2016-2017-Code-of-Conduct-Booklet\\_REVISED-110216.pdf](http://www.dinwiddie.k12.va.us/wp-content/uploads/2012/07/2016-2017-Code-of-Conduct-Booklet_REVISED-110216.pdf)

Fauquier County Public Schools

<https://www.fcps1.org/cms/lib/VA01918647/Centricity/Domain/53/StudentParent%20Handbook%202016-2017.pdf>

Fluvanna County Public Schools

<https://docs.google.com/viewer?a=v&pid=sites&srcid=YXBwcy5mbHVjby5vcmd8c2Nob29sLWJvYXJkLXBvbGljaWVzfGd4OjI0MTBlMDNjYWRhMzRhYzk>

Franklin City Public Schools

[http://www.fcpsva.org/ourpages/auto/2017/8/24/54959784/FCPS%20student%20handbook%20-%20annual%20notifications%2017-18%20\\_1\\_.pdf](http://www.fcpsva.org/ourpages/auto/2017/8/24/54959784/FCPS%20student%20handbook%20-%20annual%20notifications%2017-18%20_1_.pdf)

Franklin County Public Schools

<https://www.boarddocs.com/vsba/frco/Board.nsf/Public#>

<https://www.boarddocs.com/vsba/frco/Board.nsf/Public#>

Frederick County Public Schools

<https://sites.google.com/site/fcpspolicymanual/400---students/402p---code-of-student-conduct>

Gloucester County Public Schools

<http://web.gc.k12.va.us/J%20Students/JFC-R%20Student%20Code%20of%20Conduct%20Manual.pdf>

Greensville County Public Schools

<https://www.gcps1.com/domain/145>

Hampton City Public Schools

<http://www.hampton.k12.va.us/students/RightsResp1718.pdf>

Harrisonburg City Public Schools

<https://boarddocs.com/vsba/hcsva/Board.nsf/Public#>

Henrico County Public Schools

<https://webapps.henrico.k12.va.us/policy/chapter.asp>

Hopewell City Public Schools

<http://www3.hopewell.k12.va.us/webpub/0/doc/18484/Page1.aspx>

King George County Public Schools

<https://docs.google.com/viewer?a=v&pid=sites&srcid=a2djcy5rMTIudmEudXN8a2dj3xneDoxMjYzNGIwYmE4N2VjZjk5>

Lexington City Public Schools

[https://www.rockbridge.k12.va.us/cms/lib/VA02205738/Centricity/domain/39/policy%20manual%20j/JFC-R\\_opt2.pdf](https://www.rockbridge.k12.va.us/cms/lib/VA02205738/Centricity/domain/39/policy%20manual%20j/JFC-R_opt2.pdf)

Loudoun County Public Schools

[https://www.boarddocs.com/vsba/loudoun/Board.nsf/files/AWTK3F4FB421/\\$file/Policy%20%26%20Regulation%20Manual%20-%20Not%20Yet%20Reviewed.pdf](https://www.boarddocs.com/vsba/loudoun/Board.nsf/files/AWTK3F4FB421/$file/Policy%20%26%20Regulation%20Manual%20-%20Not%20Yet%20Reviewed.pdf)

Louisa County Public Schools

<https://www.lcps.k12.va.us>

Lynchburg City Public Schools

<https://www.lcsedu.net/schoolboard/policymanual/students>

Manassas City Public Schools

<https://www.boarddocs.com/va/mcpsva/Board.nsf/Public?open&id=policies#>

Manassas Park City Public Schools

[https://manassaspark.finalsite.com/uploaded/SchoolBoardPolicies/J-Students/JFC-R\\_opt2\\_7.14.pdf](https://manassaspark.finalsite.com/uploaded/SchoolBoardPolicies/J-Students/JFC-R_opt2_7.14.pdf)

Martinsville City Public Schools

<http://www.martinsville.k12.va.us/section-j.html>

Mecklenburg County Public Schools

[http://mcpsweb.org/wp-content/uploads/2018/01/J\\_-Students.pdf](http://mcpsweb.org/wp-content/uploads/2018/01/J_-Students.pdf)

Middlesex County Public Schools

<http://www.mcps.k12.va.us/school-board-59729692>

Montgomery County Public Schools

[http://www.mcps.org/about\\_us/school\\_board](http://www.mcps.org/about_us/school_board)

Newport News City Public Schools

<https://www.boarddocs.com/vsba/nnps/Board.nsf/goto?open&id=896CQD7EC961>

<http://sbo.nn.k12.va.us/resources/handbook/>

Norfolk City Public Schools

<https://www.boarddocs.com/vsba/nps/Board.nsf/goto?open&id=89476K57C109#>

<https://www.npsk12.com/Page/1349>

Northampton County Public Schools

<https://www.boarddocs.com/vsba/nhcps/Board.nsf/Public>

Petersburg City Public Schools

<https://www.boarddocs.com/vsba/pitpsva/Board.nsf/Public>

Pittsylvania County Public Schools

<http://www.pcs.k12.va.us/ghs/StudentHandbook.pdf>

<https://www.boarddocs.com/vsba/pcsva/Board.nsf/Public>

Portsmouth City Public Schools

<http://pps.k12.va.us/common/pages/DisplayFile.aspx?itemId=8982975>

[http://pps.k12.va.us/UserFiles/Servers/Server\\_794494/File/Youth\\_Risk/FY%202016-17%20CODE%20OF%20STUDENT%20CONDUCT.pdf](http://pps.k12.va.us/UserFiles/Servers/Server_794494/File/Youth_Risk/FY%202016-17%20CODE%20OF%20STUDENT%20CONDUCT.pdf)

Prince Edward County Public Schools

[http://pecps.k12.va.us/UserFiles/Servers/Server\\_1139463/File/PDF%20Files/Code%20of%20Conduct/High%20School%202016%20-%202017%20Code%20of%20Conduct.pdf](http://pecps.k12.va.us/UserFiles/Servers/Server_1139463/File/PDF%20Files/Code%20of%20Conduct/High%20School%202016%20-%202017%20Code%20of%20Conduct.pdf)

<http://www.pecps.k12.va.us/cms/One.aspx?portalId=1139547&pageId=2298551>

Prince William County Public Schools

[https://www.pwcs.edu/about\\_us/policies\\_\\_regulations](https://www.pwcs.edu/about_us/policies__regulations)

[https://www.pwcs.edu/UserFiles/Servers/Server\\_340140/File/Student%20Services/Code%20of%20Behavior/CodeofBehavior.pdf](https://www.pwcs.edu/UserFiles/Servers/Server_340140/File/Student%20Services/Code%20of%20Behavior/CodeofBehavior.pdf)

Rappahannock County Public Schools

[http://images.pcmac.org/Uploads/RappahannockCountySD/RappahannockCountySD/Sites/DocumentsCategories/Documents/SecJ\\_10\\_17.pdf](http://images.pcmac.org/Uploads/RappahannockCountySD/RappahannockCountySD/Sites/DocumentsCategories/Documents/SecJ_10_17.pdf)

Richmond City Public Schools

<https://www.boarddocs.com/vsba/richmond/Board.nsf/Public#>

[https://docs.google.com/viewerng/viewer?url=http://rps1.schoolwires.net//cms/lib/VA02208089/Centricity/Domain/886/RPS+2016\\_2017+SCORE+English.pdf](https://docs.google.com/viewerng/viewer?url=http://rps1.schoolwires.net//cms/lib/VA02208089/Centricity/Domain/886/RPS+2016_2017+SCORE+English.pdf)

Roanoke City Public Schools

<https://www.boarddocs.com/vsba/roacps/Board.nsf/vpublic?open>

Roanoke County Public Schools

<https://www.boarddocs.com/vsba/roecnty/Board.nsf/goto?open&id=9XY22D71C86A>

Rockingham County Public Schools

<https://schoolboard.rockingham.k12.va.us>

<http://www.rockingham.k12.va.us/parents--students.html>

Russell County Public Schools

<https://www.boarddocs.com/vsba/russell/Board.nsf/Public>

<http://www.russell.k12.va.us/anti-bullying>

Smyth County Public Schools

[http://www.scsb.org/policyman/student\\_conduct\\_code.pdf](http://www.scsb.org/policyman/student_conduct_code.pdf)

<http://www.scsb.org/policyman/j.htm#jfc-r>

Spotsylvania County Public Schools

<https://www.spotsylvania.k12.va.us/cms/lib/VA01918722/Centricity/Domain/50/20162017%20HNDBK%20lores.pdf>

<https://www.boarddocs.com/vsba/scs/Board.nsf/Public#>

Stafford County Public Schools

<https://www.boarddocs.com/vsba/scpsva/Board.nsf/goto?open&id=8464SU75E871#>

Suffolk City Public Schools

[https://www.spsk12.net/UserFiles/Servers/Server\\_285949/File/Our%20Division/Policies%20%20Regulations/Policy-Chapter-91.pdf](https://www.spsk12.net/UserFiles/Servers/Server_285949/File/Our%20Division/Policies%20%20Regulations/Policy-Chapter-91.pdf)

Tazewell County Public Schools

<http://www.tazewell.k12.va.us/Default.asp?PN=DocumentUploads&L=1&DivisionID=14632&LMID=631990&ToggleSideNav=ShowAll>

[http://images.pcmac.org/Uploads/TazewellCountySD/TazewellCountySD/Departments/DocumentsCategories/Documents/Statement\\_of\\_Purpose\\_for\\_Standards\\_of\\_Student\\_Conduct\\_1.pdf](http://images.pcmac.org/Uploads/TazewellCountySD/TazewellCountySD/Departments/DocumentsCategories/Documents/Statement_of_Purpose_for_Standards_of_Student_Conduct_1.pdf)

Virginia Beach City Public Schools

[http://www.vbschools.com/policies/5-36\\_3r.asp](http://www.vbschools.com/policies/5-36_3r.asp)

<http://www.vbschools.com/students/conduct/content/pdfs/CodeStudentConduct.pdf>

Warren County Public Schools

<https://www.boarddocs.com/vsba/warren/Board.nsf/Public#>

<https://www.boarddocs.com/vsba/warren/Board.nsf/Public#>

<https://www.wcps.k12.va.us/images/DOCUMENTS/Division/2017-2018-Student-Code-of-Conduct.pdf>

**Waynesboro City Public Schools**

[http://www.waynesboro.k12.va.us/administration/w\\_p\\_s\\_policy\\_manual](http://www.waynesboro.k12.va.us/administration/w_p_s_policy_manual)

[http://www.waynesboro.k12.va.us/UserFiles/Servers/Server\\_215122/File/Parents%20&%20Students/Parent%20Student%20Handbook/Parent%20Student%20Handbook%202016-2017.pdf](http://www.waynesboro.k12.va.us/UserFiles/Servers/Server_215122/File/Parents%20&%20Students/Parent%20Student%20Handbook/Parent%20Student%20Handbook%202016-2017.pdf)

**West Point Public Schools**

<http://www.wpschools.net/school-board-0d1f90f0>

**Williamsburg-James City County Public Schools**

<https://www.boarddocs.com/vsba/wjcc/Board.nsf/goto?open&id=99HHWM4A804A>

<https://wjccschools.org/departments/student-services/discipline/>

**Wise County Public Schools**

[http://www.wisek12.org/Portals/0/School%20Board/Policy/JFC%20JFC-](http://www.wisek12.org/Portals/0/School%20Board/Policy/JFC%20JFC-R%20Student%20Conduct.pdf)

[R%20Student%20Conduct.pdf](http://www.wisek12.org/Portals/0/School%20Board/Policy/JFC%20JFC-R%20Student%20Conduct.pdf)

<https://www.wisek12.org/SchoolBoard/SchoolBoardPolicy/SECTIONJ%C2%A0Students.aspx>

**York County Public Schools**

[http://yorkcountyschools.org/docs/Policy\\_Manual.pdf#nameddest=RegSectionJ](http://yorkcountyschools.org/docs/Policy_Manual.pdf#nameddest=RegSectionJ)

<http://yorkcountyschools.org/docs/studentHandbook.pdf>

**APPENDIX E:  
EXCEL SPREADSHEET OF SSIR STUDENT OFFENSE FREQUENCY**

Virginia Department of Education	
Safe Schools Information Resource	
Offense Frequency Report	
School Year	2016-17
Region Name :	All
Division Name :	All
School Type :	All
School Name :	All
Offense Category :	All
Offense Type :	Bullying - (BU1)
Ethnicity :	All
Grade :	All
Gender :	All
Disability :	All

Division Name	Division Number	School Year	Population	Individual Student Offenders	Focus Offense BU1
A. Linwood Holton Governor's School	268	2016-17	0	0	0
Accomack County Public Schools	1	2016-17	5266	42	55
Albemarle County Public Schools	2	2016-17	13790	10	13
Alexandria City Public Schools	101	2016-17	15301	21	22
Alleghany County Public Schools	3	2016-17	2244	<	<
Alt Ed Prgm/Behav Disord Youth/Montgomery	407	2016-17	0	0	0
Amelia County Public Schools	4	2016-17	1808	<	0
Amelia-Notto way Vocational-Technical Center	311	2016-17	0	0	0
Amherst County Public Schools	5	2016-17	4142	19	20
Appomattox County Public Schools	6	2016-17	2304	10	10
Appomattox Regional	267	2016-	0	0	0

Governor's School		17			
Arlington County Public Schools	7	2016-17	26176	13	15
Augusta County Public Schools	8	2016-17	10384	19	23
Bath County Public Schools	9	2016-17	562	0	0
Bedford County Public Schools	10	2016-17	9702	<	10
Bland County Public Schools	11	2016-17	771	<	<
Blue Ridge Governor's School	273	2016-17	0	0	0
Botetourt County Public Schools	12	2016-17	4654	<	10
Breaking Barriers Alternative Ed/Henry Co	423	2016-17	0	0	0
Bristol City Public Schools	102	2016-17	2299	32	35
Brunswick County Public Schools	13	2016-17	1720	<	<
Buchanan County Public Schools	14	2016-17	2922	<	<
Buckingham County Public Schools	15	2016-17	2054	<	<
Buena Vista City Public Schools	103	2016-17	959	<	<
Campbell County Public Schools	16	2016-17	8020	28	29
Caroline County Public Schools	17	2016-17	4299	<	<
Carroll County Public Schools	18	2016-17	3836	<	<
Carroll-Galax Reg Alt Ed Prgm/The RAE Ctr	424	2016-17	0	0	0
Central Virginia Governor's School	260	2016-17	0	0	0
Charles City County Public Schools	19	2016-17	679	0	0
Charlotte County Public Schools	20	2016-17	1924	0	0
Charlottesville City Public Schools	104	2016-17	4471	<	<
Charlottesville- Albemarle Vocational-Technical Center	301	2016-17	0	0	0



Chesapeake Bay Governor's School	269	2016-17	0	0	0
Chesapeake City Public Schools	136	2016-17	40192	102	108
Chesterfield County Public Schools	21	2016-17	60060	88	95
Clarke County Public Schools	22	2016-17	1995	<	<
Colonial Beach Public Schools	202	2016-17	597	<	<
Colonial Heights City Public Schools	106	2016-17	2837	0	0
Commonwealth Governor's School	270	2016-17	0	0	0
Cooperative Centers for Exceptional Children	280	2016-17	0	0	0
Covington City Public Schools	107	2016-17	1064	10	12
Craig County Public Schools	23	2016-17	615	<	<
Crossroads Alternative/Bristol City	411	2016-17	0	0	0
Culpeper County Public Schools	24	2016-17	8202	26	26
Cumberland County Public Schools	25	2016-17	1364	<	<
Danville City Public Schools	108	2016-17	5956	21	23
Dickenson County Public Schools	26	2016-17	2189	<	0
Dinwiddie County Public Schools	27	2016-17	4394	10	12
Enterprise Academy/New port News City	402	2016-17	0	0	<
Essex County Public Schools	28	2016-17	1406	<	<
Fairfax County Public Schools	29	2016-17	187479	175	193
Falls Church City Public Schools	109	2016-17	2670	<	<
Fauquier County Public Schools	30	2016-17	11070	30	33
Floyd County Public Schools	31	2016-17	2042	<	<
Fluvanna County Public Schools	32	2016-17	3588	0	0

Franklin City Public Schools	135	2016-17	1128	0	0
Franklin County Public Schools	33	2016-17	7352	31	33
Frederick County Public Schools	34	2016-17	13338	11	11
Fredericksburg City Public Schools	110	2016-17	3581	<	<
Galax City Public Schools	111	2016-17	1332	<	<
Giles County Public Schools	35	2016-17	2401	<	<
Gloucester County Public Schools	36	2016-17	5500	17	23
Goochland County Public Schools	37	2016-17	2594	<	<
Governor's School for the Arts	262	2016-17	0	0	<
Governor's School of Southside Virginia	266	2016-17	0	0	0
Grayson County Public Schools	38	2016-17	1644	<	10
Greene County Public Schools	39	2016-17	3177	<	<
Greensville County Public Schools	40	2016-17	2547	26	29
Halifax County Public Schools	41	2016-17	5187	<	<
Hampton City Public Schools	112	2016-17	20286	37	36
Hanover County Public Schools	42	2016-17	18039	<	10
Harrisonburg City Public Schools	113	2016-17	6187	16	18
Henrico County Public Schools	43	2016-17	51425	64	76
Henry County Public Schools	44	2016-17	7508	<	10
Henry County/Martinsville Regional Program	292	2016-17	0	0	0
Highland County Public Schools	45	2016-17	218	<	<
Hopewell City Public Schools	114	2016-17	4292	34	35
Isle of Wight County Public Schools	46	2016-17	5451	<	<

Jackson River Governor's School	274	2016-17	0	0	0
Jackson River Technical Center	302	2016-17	0	0	0
King George County Public Schools	48	2016-17	4347	13	14
King William County Public Schools	50	2016-17	2199	<	<
King and Queen County Public Schools	49	2016-17	852	<	<
Lancaster County Public Schools	51	2016-17	1221	<	<
Laurel Regional Special Education Center	282	2016-17	0	0	0
Lee County Public Schools	52	2016-17	3262	<	<
Lexington City Public Schools	137	2016-17	510	0	0
Loudoun County Public Schools	53	2016-17	78382	125	136
Louisa County Public Schools	54	2016-17	4864	19	22
Lunenburg County Public Schools	55	2016-17	1563	<	<
Lynchburg City Public Schools	115	2016-17	8500	28	29
Lynchburg City Secondary Alternative	401	2016-17	0	0	<
Madison County Public Schools	56	2016-17	1741	<	<
Maggie L. Walker Governor's School	271	2016-17	0	0	0
Manassas City Public Schools	143	2016-17	7713	22	17
Manassas Park City Public Schools	144	2016-17	3588	12	<
Martinsville City Public Schools	116	2016-17	2041	16	17
Massanutten Technical Center	304	2016-17	0	0	0
Massanutten Regional Governor's School	275	2016-17	0	0	0
Mathews County Public Schools	57	2016-17	1091	<	<
Mecklenburg County Public Schools	58	2016-17	4424	24	30

Metro Richmond Alternative Ed	412	2016-17	0	0	0
Middle Peninsula Regional Special Education Program	281	2016-17	0	0	<
Middlesex County Public Schools	59	2016-17	1240	0	0
Montgomery County Public Schools	60	2016-17	9674	18	20
Mountain Vista Governor's School	277	2016-17	0	0	0
Nelson County Public Schools	62	2016-17	1898	<	<
New Dominion Alternative Center/Prince William Co.	416	2016-17	0	0	36
New Horizons Career and Technical Center	307	2016-17	0	0	0
New Horizons Governor's School	264	2016-17	0	0	0
New Horizons Regional Education Center - Special Ed	285	2016-17	0	0	0
New Kent County Public Schools	63	2016-17	3156	<	<
Newport News City Public Schools	117	2016-17	28843	53	60
Norfolk City Public Schools	118	2016-17	31436	91	100
Northampton County Public Schools	65	2016-17	1668	25	29
Northern Neck Regional Alternative Ed	421	2016-17	0	0	0
Northern Neck Regional Special Education Program	283	2016-17	0	0	0
Northern Neck Technical Center	310	2016-17	0	0	0
Northern Virginia Regional Special Education Pgm	290	2016-17	0	0	23
Northumberland County Public Schools	66	2016-17	1302	<	10
Northwestern Regional Education Program	284	2016-17	0	0	0
Norton City Public Schools	119	2016-17	789	<	<
Nottoway County Public Schools	67	2016-17	2165	<	<
Orange County Public Schools	68	2016-17	5109	<	<

Page County Public Schools	69	2016-17	3438	<	<
Patrick County Public Schools	70	2016-17	2752	<	<
Petersburg City Public Schools	120	2016-17	4275		37 39
Petersburg Regional Alternative	408	2016-17	0		0 <
Piedmont Alternative School	420	2016-17	0		0 <
Piedmont Governor's School	276	2016-17	0		0 0
Piedmont Regional Education Program	286	2016-17	0		0 0
Pittsylvania County Public Schools	71	2016-17	9182		21 22
Poquoson City Public Schools	142	2016-17	2058	<	<
Portsmouth City Public Schools	121	2016-17	14611		19 19
Powhatan County Public Schools	72	2016-17	4266	<	<
Prince Edward County Public Schools	73	2016-17	2134		16 18
Prince George County Public Schools	74	2016-17	6446	<	<
Prince William County Public Schools	75	2016-17	89346		260 239
Project Bridge/Russell Co	417	2016-17	0		0 0
Project Renew/Northampton Co	428	2016-17	0		0 0
Project Return/Fluvanna Co	406	2016-17	0		0 0
Project Return/Powhatan Co	410	2016-17	0		0 0
Pulaski County Public Schools	77	2016-17	4270		30 37
Radford City Public Schools	122	2016-17	1659	<	<
Rappahannock County Public Schools	78	2016-17	866		0 0
Reg Alternative Plus Self Project/Roanoke City	404	2016-17	0		0 0
Regional Alternative Ed/King William	415	2016-17	0		0 0

Regional Alternative Ed/Stafford Co	413	2016-17	0	0	0
Regional Alternative/Pittsylvania Co	409	2016-17	0	0	0
Regional Alternative/Wythe Co	418	2016-17	0	0	0
Regional Learning Academy/Wise Co	426	2016-17	0	0	<
Renaissance/Scott Co	429	2016-17	0	0	0
Richmond City Public Schools	123	2016-17	24868	123	134
Richmond County Public Schools	79	2016-17	1314	<	<
Roanoke City Public Schools	124	2016-17	13686	34	39
Roanoke County Public Schools	80	2016-17	14235	11	11
Roanoke Valley Governor's School	263	2016-17	0	0	0
Roanoke Valley Regional Board	299	2016-17	0	0	0
Rockbridge County Public Schools	81	2016-17	2844	<	<
Rockingham County Public Schools	82	2016-17	11853	25	25
Rowanty Vocational-Technical Center	309	2016-17	0	0	0
Russell County Public Schools	83	2016-17	3979	0	0
Salem City Public Schools	139	2016-17	3852	<	<
Scott County Public Schools	84	2016-17	3732	<	<
Shenandoah County Public Schools	85	2016-17	6010	<	<
Shenandoah Valley Governor's School	265	2016-17	0	0	0
Shenandoah Valley Reg Alternative Ed/Genesis	422	2016-17	0	0	0
Shenandoah Valley Regional Program	287	2016-17	0	0	0
Smyth County Public Schools	86	2016-17	4505	35	37
Southampton County Public Schools	87	2016-17	2750	<	<

Southeastern Cooperative Educational Program	288	2016-17	0	0	0
Southside L.I.N.K. Project/Brunswick Co	414	2016-17	0	0	0
Southwest Virginia Governor's School	261	2016-17	0	0	0
Spotsylvania County Public Schools	88	2016-17	23597	43	45
Stafford County Public Schools	89	2016-17	28386	44	45
Staunton City Public Schools	126	2016-17	2679	<	13
Suffolk City Public Schools	127	2016-17	14284	21	21
Surry County Public Schools	90	2016-17	826	<	<
Sussex County Public Schools	91	2016-17	1106	<	<
Tazewell County Public Schools	92	2016-17	5969	10	11
The Pruden Center for Industry and Technology	308	2016-17	0	0	0
The Regional Community Alternative Ed Continuum	427	2016-17	0	0	0
Three Rivers Pilot Project/York Co	419	2016-17	0	0	0
Tidewater Regional Alternative Ed Project	403	2016-17	0	0	0
Transition Support Resource Ctr/Fairfax	405	2016-17	0	0	0
Valley Career and Technical Center	306	2016-17	0	0	0
Virginia Beach City Public Schools	128	2016-17	69085	114	138
Warren County Public Schools	93	2016-17	5385	17	19
Washington County Public Schools	94	2016-17	7264	<	<
Waynesboro City Public Schools	130	2016-17	3173	16	18
West Point Public Schools	207	2016-17	806	0	0
Westmoreland County Public Schools	95	2016-17	1703	<	<
Williamsburg-James City County Public Schools	131	2016-17	11607	17	19

Winchester City Public Schools	132	2016-17	4471	<	<
Wise County Public Schools	96	2016-17	5889	64	88
Wythe County Public Schools	97	2016-17	4220	<	<
York County Public Schools	98	2016-17	12691	25	26



**APPENDIX F:  
EXAMPLE ANTI-BULLYING ANALYSIS USING THE MODIFIED SUBCOMPONENT  
CRITERION LIST**

Examples of Anti-Bullying Policy Analysis Regarding the Definition of Bullying Criterion:

The ratings from the scoring scheme of the Modified Subcomponent Criterion List (see Appendix A) were ranked using an ordinal scale and were applied to anti-bullying policies located within student codes of conduct as well as school board websites. The policy was ascribed a rating from 0-2. As shown in Table 3, the score frequency and percentage for each criterion is listed. The largest group of policies (87%) received a rating of 2 regarding a definition of bullying. A policy was randomly chosen to demonstrate a sample analysis regarding the definition criterion that received a rating of 2. A rating of 2 meant that the definition provided was consistent with Virginia state law and/or commonly used research based practices found in the literature. The model policy of Virginia mandates that the definition of bullying be adopted but does not require its additional content in school division anti-bullying policies.

Campbell County Public Schools: Definition of Bullying

Any aggressive and unwanted behavior that is intended to harm, intimidate, or humiliate the victim; involves a real or perceived power imbalance between the aggressor or aggressors and victim; and is repeated over time or causes severe emotional trauma. Bullying includes cyber bullying. Bullying does not include ordinary teasing, horseplay, argument or peer conflict.

Only 10% of policies used in this study received a rating of 1 for the criterion of a definition of bullying. A randomly chosen policy that received a rating of 1 is included below. Although the policy does have a definition of bullying, it is limited in that it is not consistent with Virginia state legislation and/or commonly used research based practices found in the

literature regarding a definition of bullying. The remaining 3% of policies received a rating of 0 as no explicit definition of bullying was demonstrated in the language of the policy.

#### Colonial Heights Public Schools: Definition of Bullying

**Bullying.** A student, either individually or as a part of a group, shall not harass or bully others. Prohibited conduct includes, but is not limited to: physical intimidation, taunting, name-calling, and insults and any combination of prohibited activities. Prohibited conduct includes verbal conduct consisting of comments regarding the race, gender, religion, physical abilities or characteristics or associates of the targeted person.

Regarding the reporting criterion, only 23% of the 69 Virginia public school divisions included in this study received a rating of 2; while 16% received a rating of 1 and the largest group of policies (61%) received a rating of 0, which meant that the school division policy contained no explicit requirements related to incident reporting.

Regarding the reporting criterion, a sample policy that received a rating of 1 is included below. The randomly selected policy received a rating of 1 by the researcher in following the language of the Modified Subcomponent Criterion List that the policy encourages reporting of bullying was encouraged by school personnel and/or students and designated a school administrator to receive the report.

#### Richmond City Public Schools: Reporting

Any student who believes he or she has been the victim of bullying or threatening behavior or any individual witnessing such behavior should report the conduct to the building principal immediately. The principal will notify the parent of any student involved in an alleged incident of bullying of the status of any investigation within five (5) school days of the allegation of bullying. The consequences for incidents of bullying shall be consistent with those for assault and battery, as described in the Standards of Student Conduct.

The randomly selected policy presented below received a rating of 2 for the reporting criterion. In the policy, the language mandated the reporting of bullying by staff and/or students

while also outlining a specific mechanism for the report such as, in this case, a designated school bullying prevention coordinator.

#### Russell County Schools: Reporting Criterion

The Russell County School Board is committed to instilling in students the finest values of humanity and civility that civilization knows. Bullying is unproductive and unacceptable in schools. Bullying harms the school culture and climate, and the individual lives of the victim, the bystander, and the bully. Bullying should be prevented, and intervention should be taken in cases where bullying has been reported or is suspected.

Bullying prevention and intervention programming should include evidenced-based curricula and practices and strategies. Incidents of bullying are to be reported and investigated as soon as possible. Developmentally appropriate intervention with students accused of bullying, as well as those identified as the victims, and resolution of all complaints are essential to maintaining a safe learning environment. Records are to be kept and collected and the data analyzed annually.

A bullying prevention coordinator should be designated to oversee program planning and implementation that includes; (1) annual training for faculty, staff and students on how to prevent and identify bullying, how to report suspected bullying, and how to take developmentally appropriate steps to intervene with bullying; (2) procedures for receiving reporting and investigation complaints; (3) parental involvement; (4) privacy and confidentiality for all involved individual; and (5) notification of law enforcement when it is suspected a criminal offense may have occurred. This policy should be prominently displayed on the division's and individual school's Web sites and in every school building.

In regards to the criterion of investigations, 11 of the 69 (16%) policies received a rating of 2 and included a specific process for investigating reports of bullying, 41% (28 of the 69) policies received a rating of 1 meaning that the policy contained language relating to general requirements for an investigative process; however, the language was not specific and although it may have designated school personnel to receive reports and conduct an investigation, the specific process was not outlined. 43% of the school division policies examined in this study received a rating of 0 meaning that no explicit language was included in the policies related to the investigation of reports. Below is a randomly chosen policy that received a rating of 2. As is

demonstrated within this policy, there is a specific process for investigating a complaint. Within the language of the policy is extensive language of a complaint procedure, scope of the investigation, specific steps that guide personnel through each part of the process, time requirements, provisions for notifications of parents, as well as included safeguards for the victim.

## Tazewell County Public Schools: Investigation of Complaints and Reports

### II. Complaint Procedure

All students shall be informed of their right to protection against bullying behaviors and the right to file a complaint if they believe they have been the victim of bullying behavior. School administrators are responsible for investigating each complaint, determining if the complaint is legitimate in accordance with the above definition, and taking appropriate corrective action.

Any student may initiate a complaint by talking to an administrator or completing a complaint form, (Attachment II), and returning this form to a school administrator. All school staff members shall be informed of a student's right to initiate a complaint and shall be able to advise students as to how such complaints are initiated. School administrators shall respond to complaints of bullying according to the following guidelines.

### III. Guidelines for Responding to Bullying Complaint

#### A. Meet with the Complainant

1. Ascertain basic information (who, what, when, where).
2. Get a written statement from the student when possible.
3. Ask about witnesses or corroborating information/evidence.
4. Offer counseling services as appropriate.
5. Offer assurance of protection against retaliation.
6. Explain procedures for follow-up.
7. Inform parent/guardian of the alleged bullying within 24 hours of the incident.
8. Maintain confidentiality and protect the privacy of all parties to the extent possible.
9. Complete and file incident report with the Safe Schools Information Resource Designee within 48 hours of the incident.

#### B. Review Evidence and Interview Witness

#### C. Meet with the Alleged Bully

Explain bullying behavior and its seriousness. Present the allegation.  
Provide an opportunity for response/rebuttal. Explain investigation and follow-up procedures. Caution against retaliation.

Inform parent/guardian of the alleged bullying behavior within 24 hours of the incident.  
Take appropriate corrective/disciplinary action.  
Complete suspension/incident reports as necessary.

Staff shall be responsible for maintaining a written record of all conversations with students including notes of dates, times, places, witness names, and other information about interviews and incidents. Any departure from these guidelines must be justifiable based on unusual circumstances.

Below is a randomly selected policy that received a rating of 1 for the investigations criterion. The policy included language regarding the investigation of reports of bullying and as well as language designating school personnel to receive the reports and conduct an investigation; however, this policy received a rating of 1 as the specific process of how each investigation will be conducted is unclear. The language is more general than specific and although the policy mentions a school designee to handle reports and investigations of bullying, there are no steps outlined involving the process of an investigation.

Loudoun County Public Schools: Investigations of Complaints and Reports

C. Notification. The principal, or designee, shall attempt to promptly report via telephone, personal conference, and/or in writing, the occurrence of any incident of bullying as defined by this policy to the parent or legal guardian of all students involved. Notification must be consistent with the student privacy rights under the applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA). Once the investigation has been completed and it has been determined that criminal charges may be pursued against the perpetrator, all appropriate local law enforcement agencies should be notified.

D. Positive Behavior/Education

1. Bullying prevention and intervention programming should include evidenced-based curricula and practices and strategies. Incidents of bullying are to be reported and investigated as soon as possible. Developmentally appropriate intervention with students accused of bullying, as well as those identified as the victims, and resolution of all

complaints are essential to maintaining a safe learning environment. Records are to be kept and collected, and the data analyzed annually.

2. A school administrator should be designated as the bullying prevention coordinator at each school to oversee the implementation of the division-wide program that includes the following:

1. (a) annual training for faculty, staff and students on how to prevent and identify bullying, how to report suspected bullying, and how to take developmentally appropriate steps to intervene with bullying;
2. (b) steps for receiving, reporting and investigating complaints;
3. (c) parent education;
4. (d) privacy and confidentiality for all involved individuals;
5. (e) notification of law enforcement when it is suspected a criminal offense may have occurred; and
6. (f) This policy should be prominently displayed on the division's and individual school's websites.

As can be seen in Table 3, most of the 69 (71%) policies examined in this study did not contain language that required school divisions to maintain a system of written documentation of reporting, investigating, and the school's response to bullying. Of the policies examined for the criterion of written records, 14% contained specific language that required written records and detailed a process for the written requirement of forms; therefore, these policies received a rating of 2. The remaining policies (14%) contained language that required written records, but did not outline the specific documentation process. Presented below is a randomly selected policy that received a rating of 2.

#### Campbell County Public Schools: Written Records Criterion

### III. Complaint Procedure

#### A. Formal Procedure

##### • File Report

Any student who believes he or she has been the victim of bullying should report the alleged bullying to one of the compliance officers designated in this policy or to any building principal. The alleged bullying should be reported as soon as possible, and the report in all cases should be made within five (5) school days or seven (7)

calendar days, whichever is less, of the occurrence. Further, any student who has knowledge of conduct which may constitute prohibited bullying should report such conduct to one of the compliance officers designated in this policy or to any building principal. Any building principal who has notice that any student may have been a victim of prohibited bullying shall immediately report the alleged bullying to one of the compliance officers designated in this policy.

The reporting party should use the form, Report of Bullying, JFHB-F, to make complaints of bullying. However, oral reports and other written reports may be accepted if, in the judgment of the compliance officer, the reporting party is unable to complete the required form or other circumstances, including, without limitation, the age of the reporting party, make such writing impractical and there is no parent or other custodian available to complete the report, or, in the judgment of the compliance officer, such writing is unnecessary. The compliance officer shall keep a log of all complaints.

In lieu of the complaint form, the reporting party shall have the option of requesting a meeting with the compliance officer and signing the complaint form completed by the compliance officer at that meeting. The complaint should be filed with either the building principal or one of the compliance officers designated in this policy. The principal shall immediately forward any report of alleged prohibited bullying to the compliance officer.

The complaint, and identity of the complainant and alleged perpetrator, will be disclosed only to the extent necessary to fully investigate the complaint. Additionally, a complainant who wishes to remain anonymous shall be advised that such confidentiality may limit the School Division's ability to fully respond to the complaint.

- Investigation

Upon receipt of a report of alleged prohibited bullying, the compliance officer shall immediately authorize or undertake an investigation. The investigation may be conducted by school personnel or a third party designated by the school division. The investigation shall be completed as soon as practicable, which generally should be not later than 14 calendar days or ten (10) workdays, whichever is less, after receipt of the report by the compliance officer. Upon receiving the complaint, the compliance officer shall determine whether interim measures should be taken pending the outcome of the investigation. Such interim measures may include, but are not limited to, separating the alleged perpetrator and the complainant and, in cases involving potential criminal conduct, determining whether law enforcement officials should be notified.

The investigation may consist of personal interviews with the complainant, the alleged perpetrator, and any others who may have knowledge of the alleged bullying or the circumstances giving rise to the complaint. The investigation may also consist of the inspection of any other documents or information deemed relevant by the

investigator.

In determining whether alleged conduct constitutes a violation of this policy, the division shall consider, at a minimum: (1) the surrounding circumstances; (2) the nature of the behavior; (3) past incidents or past or continuing patterns of behavior; (4) the relationship between the parties; (5) how often the conduct occurred; (6) the identity of the alleged perpetrator in relation to the alleged victim (i.e. whether the alleged perpetrator was in a position of power over the alleged victim); (7) the location of the alleged bullying; (8) the ages of the parties and (9) the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a case by case determination based on all of the facts and circumstances revealed after a complete and thorough investigation. The investigator shall issue a report to the complainant, the alleged perpetrator and compliance officer upon completion of the investigation. The report shall include a determination of whether the allegations are substantiated, whether this policy was violated and recommendations for corrective action, if any.

- Compliance Officer and Alternate Compliance Officer

The Campbell County School Board has designated Denton Sisk, Director of Student Support Services, Campbell County Schools, P. O. Box 99, Rustburg, VA 24588, (434) 332-8228 as the Compliance Officer responsible for identifying, preventing and remedying prohibited bullying. Complaints of bullying may also be made to the Alternate Compliance Officer James Rinella, Director of Secondary Education, Campbell County Schools, P.O. Box 99, Rustburg, VA 24588, (434) 332-8240.

The Compliance Officer shall:

- receive reports or complaints of bullying;
- oversee the investigation of any alleged bullying;
- assess the training needs of the school division in connection with this policy;
- arrange necessary training to achieve compliance with this policy;
- insure that any bullying investigation is conducted by an impartial investigator who is trained in recognizing and dealing with bullying, including the authority to protect the alleged victim and others during the investigation.

#### B. Informal Procedure As Alternative

If the complainant and the person accused of bullying agree, the student's principal or designee may arrange for them to resolve the complaint informally with the help of a counselor, teacher, or administrator.

If the complainant and the person accused of bullying agree to resolve the complaint informally, they shall each be informed that they have the right to abandon the informal procedure at any time in favor of the initiation of the Formal Procedures set forth herein. The principal or designee shall notify the complainant, the person accused of bullying and the compliance officer in writing when the complaint has been resolved.



#### IV. Retaliation

Retaliation against students or school personnel who report bullying or participate in any related proceedings is prohibited. The School Division shall take appropriate action against students who retaliate against any student who reports alleged bullying or participates in related proceedings.

#### V. Right to Alternative Complaint Procedure

Nothing in this policy shall deny the right of any individual to pursue other avenues of recourse to address concerns relating to prohibited bullying including initiating civil action, filing a complaint with outside agencies or seeking redress under state or federal law.

#### VI. Prevention and Notice of Policy

Training to prevent bullying should be included in employee orientations as well as employee in-service training.

This policy shall be (1) included in the student and employee handbooks, and (2) posted on the School Division website.

#### VII. False Charges

Students or school personnel who knowingly make false charges of bullying shall be subject to disciplinary action as well as any civil or criminal legal proceedings.

#### REPORT OF BULLYING

Name of Complainant: \_\_\_\_\_

School Attending: \_\_\_\_\_

Address and Phone Number: \_\_\_\_\_

Date(s) of Alleged Incident(s) of Bullying: \_\_\_\_\_

Name of person(s) you believe bullied you or others: \_\_\_\_\_

If the alleged bullying was toward another, please identify that person: \_\_\_\_\_

Please describe in detail the incident(s) of alleged bullying, including where and when the incident(s) occurred. Please note any witnesses that may have observed the incident(s).

Attach additional pages if necessary.

Please describe any past incidents that may be related to this complaint.

I certify that the information provided in this report is true, correct and complete to the best of my knowledge:

\_\_\_\_\_  
Signature of Complainant Date

Complaint Received By: \_\_\_\_\_  
(Principal or Compliance Officer) Date

As is demonstrated, this policy received a rating of 2 for written documentation, as it not only required the school to maintain written records of an incident but also provided a process by

which to report, conduct the investigation, and maintain a written record of forms throughout, including a specific form for reports of bullying.

Below is a randomly chosen policy that demonstrates an example of a policy that received a rating of 1 regarding the written records criterion.

#### Loudoun County Public Schools: Written Records

##### §8-41 (b)

C. Notification. The principal, or designee, shall attempt to promptly report via telephone, personal conference, and/or in writing, the occurrence of any incident of bullying as defined by this policy to the parent or legal guardian of all students involved. Notification must be consistent with the student privacy rights under the applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA). Once the investigation has been completed and it has been determined that criminal charges may be pursued against the perpetrator, all appropriate local law enforcement agencies should be notified.

##### D. Positive Behavior/Education

1. Bullying prevention and intervention programming should include evidenced-based curricula and practices and strategies. Incidents of bullying are to be reported and investigated as soon as possible. Developmentally appropriate intervention with students accused of bullying, as well as those identified as the victims, and resolution of all complaints are essential to maintaining a safe learning environment. Records are to be kept and collected, and the data analyzed annually.
2. A school administrator should be designated as the bullying prevention coordinator at each school to oversee the implementation of the division-wide program that includes the following:
  1. (a) annual training for faculty, staff and students on how to prevent and identify bullying, how to report suspected bullying, and how to take developmentally appropriate steps to intervene with bullying;
  2. (b) steps for receiving, reporting and investigating complaints;
  3. (c) parent education;
  4. (d) privacy and confidentiality for all involved individuals;
  5. (e) notification of law enforcement when it is suspected a criminal offense may have occurred; and

6. (f) This policy should be prominently displayed on the division's and individual school's websites.

Regarding the sanctions criterion of the Modified Subcomponent Criterion List (see Appendix A), 74% of the 69 public school division policies used in this study mentioned the rendering of sanctions against those who perpetrate acts of bullying; however, though the policies contained language referring to disciplinary outcomes, they were punitive in nature and therefore, received a rating of 1. Of the 9% of policies that received a rating of 2, expansive consequences were included that addressed a punitive component as well as supportive interventions or remedial interventions for aggressors. 17% (12 of the 69) of policies did not address disciplinary outcomes or consequences for those who engage in the prohibited behavior. Below is a randomly chosen policy that received a rating of 2. It contains expansive language that requires the school to address punitive sanctions as well as supportive intervention services or remedial intervention for the bully.

#### Arlington County Public Schools: Sanction Criterion

**Disciplinary actions.** Disciplinary actions will be enforced in accordance with APS discipline policies, with consideration given to the seriousness of the incident, prior incidents, and the need to protect the victim and other students. Student victims will be protected against retaliation from the accused. Any attempt of retaliation will be addressed by appropriate disciplinary actions.

Assistance for alleged bullies and victims. Victims of bullying/harassment will be offered counseling services, as appropriate. In addition to disciplinary actions, school staff will offer assistance to students who bully/harass others, including, as appropriate, behavior intervention plans, referrals to multi-disciplinary assistance teams, or referrals to counseling services.

A randomly selected policy that received a rating of 1 is included below. A close examination of the language in the policy reveals that the disciplinary outcomes mentioned are

punitive in nature and do not include mention of supportive and/or remedial interventions for the aggressor.

#### Northampton County Public Schools: Sanction Criterion

Unlawful acts which will lead to police notification and may lead to suspension from classes, exclusion from activities, or expulsion include but are not limited to:

- possession or use of alcohol, illegal drugs, including marijuana, and anabolic steroids, or drug paraphernalia;
- selling drugs;
- assault/battery;
- sexual assault;
- arson;
- intentional injury (bullying, fighting);
- theft;
- bomb threats, including false threats, against school personnel or school property;
- use or possession of explosives (see Policy JFCD);
- possession of weapons or firearms (see Policy JFCD);
- extortion, blackmail, or coercion;
- driving without a license on school property;
- homicide;
- burglary;
- sex offenses (indecent exposure, obscene phone calls, sodomy and child molestation);
- malicious mischief;
- shooting;
- any illegal conduct involving firebombs, explosive or incendiary devices or materials, hoax explosive devices or chemical bombs;
- stabbing, cutting or wounding;
- unlawful interference with school authorities including threats;
- unlawful intimidation of school authorities; and
- other unlawful acts including being an accessory to any of these or other unlawful acts.

Regarding the mental health referrals criterion from the Modified Subcomponent Criterion List (see Appendix A), 57 of the 69 (83%) examined for a counseling component within the language of the policy did not address counseling or other support services for victims of bullying. 10% of policies examined for this criterion received a rating of 1 meaning that the policies contained a limited counseling, intervention component while 7% (5 of the 69) policies

examined contained specific language that addressed counseling or other supportive services for victims. Below is a randomly selected policy that received a rating of 2.

#### Tazewell County Public Schools: Mental Health Referrals

The Tazewell County School Board requires school administrators to develop and implement procedures that ensure both the appropriate consequences and remedial responses to a student or staff member who commits one or more acts of bullying or harassment. The following factors, at a minimum, shall be given full consideration by school administrators in the development of the procedures for determining appropriate consequences and remedial measures for each act of bullying or harassment.

##### Factors for Determining Consequences

- Age, development, and maturity levels of the parties involved
- Degree of harm
- Surrounding circumstances
- Nature and severity of the behavior(s)
- Incidences of past or continuing pattern(s) of behavior
- Relationship between the parties involved
- Context in which the alleged incident(s) occurred

##### Factors for Determining Remedial Measures --Personal

- Life skill competencies
- Experiential deficiencies
- Social relationships
- Strengths
- Talents
- Traits
- Interests
- Hobbies
- Extra-curricular activities
- Classroom participation
- Academic performance

##### --Environmental

- School culture
- School climate
- Student-staff relationships and staff behavior toward the student
- General staff management of classrooms or other educational environments
- Staff ability to prevent and de-escalate difficult or inflammatory situations

- Social-emotional and behavioral supports
- Social relationships
- Community activities
- Neighborhood culture
- Family situation

Consequences and appropriate remedial actions for a student or staff member who commits one or more acts of bullying or harassment may range from positive behavioral interventions up to, and including, suspension or expulsion. In the case of a student, or suspension or termination in the case of an employee, as set forth in the board of education's approved code of student conduct or employee handbook.

Consequences for a student who commits an act of bullying or harassment shall be unique to the individual incident and will vary in method and severity according to the nature of the behavior, the developmental age of the student, and the student's history of problem behaviors and performance, and must be consistent with the board of education's approved code of student conduct.

Remedial measures shall be designed to: correct the problem behavior; prevent another occurrence of the behavior; and protect the victim of the act. Effective discipline should employ a school-wide approach to adopt a rubric of bullying offenses and the associated consequences. The consequences and remedial measures may include, but are not limited to, the examples listed below:

#### Examples of Consequences

- Admonishment
- Temporary removal from the classroom
- Loss of privileges
- Classroom or administrative detention
- Referral to administration
- In-school suspension during the school week or the weekend, for students
- Out-of-school suspension
- Legal action
- Expulsion or termination

#### Examples of Remedial Measures

##### Personal

- Framing the aggressive behavior as a failed attempt to solve a real problem or reach a goal. The adult assists the misbehaving student to find a better way to solve the problem or meet the goal.
- Restitution and restoration
- Peer support group
- Corrective instruction or other relevant learning or service experience

- Supportive discipline to increase accountability for the bullying offense
- Supportive interventions, including participation of an Intervention and peer mediation, etc.
- Behavioral assessment or evaluation, including, but not limited to, a referral to a Child Study Team, as appropriate
- Behavioral management plan, with benchmarks that are closely monitored
- Involvement of school administrator
- Student counseling
- Parent conferences
- Student treatment
- Student therapy

#### Environmental - Classroom, School Building, or School District

- Set a time, place, and person to help the bully reflect on the offending behavior, maintaining an emotionally-neutral and strength-based approach
- School and community surveys or other strategies for determining the conditions contributing to harassment, intimidation, or bullying
- School culture change
- School climate improvement
- Adoption of research-based, systemic bullying prevention programs
- Modifications of schedules
- Adjustments in hallway traffic
- Modifications in student routes or patterns traveling to and from school
- Targeted use of monitors (e.g., hallway, cafeteria, bus)
- General professional development programs for certificated and non-certificated employees
- Professional development plans for involved staff
- Disciplinary action for school staff who contributed to the problem
- Parent conferences
- Referral to Family counseling
- Involvement of parent-teacher organizations
- Involvement of community-based organizations
- Development of a general bullying response plan
- Peer support groups
- Law enforcement involvement (e.g., school resource officer, probation officer, etc.)

From the language of this policy, it is clear that the school has a specific process in place that provides counseling or other support services to those who are involved in bullying incidents.

The language requires rather than encourages counseling or support services.

Below is a randomly chosen policy that received a rating of 1.

Loudoun County Public Schools

D. Positive Behavior/Education

1. Bullying prevention and intervention programming should include evidenced-based curricula and practices and strategies. Incidents of bullying are to be reported and investigated as soon as possible. Developmentally appropriate intervention with students accused of bullying, as well as those identified as the victims, and resolution of all complaints are essential to maintaining a safe learning environment. Records are to be kept and collected, and the data analyzed annually.

From the language of this policy, there is a limited counseling component, intervention component; however, the language is vague regarding the services offered and does not mention that those services are a requirement of the school.