

FEDERAL EFFORTS ON BULLYING IN SCHOOLS

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requirements for the degree of Master of Arts in Public Management

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MEMORANDUM FOR: Rep. Linda Sanchez
FROM: Bethany Williams
SUBJECT: Federal Efforts on Bullying in Schools

Action - Forcing Event

On February 20, 2013, Duke University released a new study regarding the effects of bullying.¹ This study suggests that the effects of childhood and adolescence bullying are long term and those who are victims and bullies are at a higher risk for psychological disorders such as anxiety, depression, and suicide. According to the CDC (Centers for Disease Control and Prevention) suicide is the third leading cause of death for youth 10 – 24 years of age.² Nearly 4,600 youth commit suicide every year, although, not all of these suicides can be connected to bullying.

This study is significant because it is based on more than 20 years of data and it is the most definitive to date in establishing the long term psychological effects of bullying. “Bullying is potentially a problem for bullies as well as for victims,” said senior author E. Jane Costello, associate director of research at Duke’s Center for Child and Family Policy. “Bullying, which we tend to think of as a normal and not terribly important part of childhood, turns out to have the potential for very serious consequences for children, adolescents and adults.”

¹ Adrian Angold MRCPsych, William E. Copeland PhD, E. Jane Costello PhD, and Dieter Wolke PhD, “Adult Psychiatric Outcomes of Bullying and Being Bullied by Peers in Childhood and Adolescence,” JAMA Psychiatry, February 20, 2013, http://www2.warwick.ac.uk/fac/sci/psych/events/02-20_psy_bullying.pdf (Accessed September 12, 2013)

² Centers for Disease Control and Prevention, Injury Center: Violence Prevention, “Suicide Prevention,” Page Last Reviewed: August 15, 2012, http://www.cdc.gov/violenceprevention/pub/youth_suicide.html (Accessed September 12, 2013)

Statement of the Problem

We generally hear about most bullying incidents taking place within school settings. School settings are inclusive of school grounds, on the way to and from school, and any location within the school building such as a hallway, bathroom, or stairwell. This is very unfortunate because generally speaking, school is thought to be a safe place for children to learn and develop socially. No one should be subjected to harassment, especially in a place where one is learning, exploring new ideas and concepts, and developing socially.

The National Center for Education Statistics report “Indicators of School Crime and Safety: 2011,” noted the following statistical information surrounding incidents of bullying. Nearly 28 percent of students from the ages of 12–18 years, reported being bullied at school during the school year.³ Of those students who reported being bullied at school, 19 percent of them reported that they had been made fun of, called names, or insulted. Sixteen percent of these students reported being the subject of rumors, 9 percent said they had been pushed, shoved, tripped, or spit on; and 6 percent reported being threatened with harm.

Bullying continues to be a growing concern as more and more bullying incidents are ending in tragedy. The effects of bullying can be devastating. A child that is being bullied is likely to experience depression, have some health complaints and issues, low self-esteem, and decreased academic achievement and involvement in school. And in the worst case, a child who has been bullied may potentially cause harm to himself, potentially committing suicide. The act of bullying also has negative

³ National Center for Education Statistics, “Indicators of School Crime and Safety: 2011,” February 2012, http://nces.ed.gov/programs/crimeindicators/crimeindicators2011/ind_11.asp (Accessed September 20, 2013)

effects on the bully as well. Bullies tend to have an increased risk of being involved in things such as criminal activity, drug usage, being abusive to his peers and adults, getting into fights, and possibly dropping out of school.

It is very important to try to prevent cases of bullying and when it occurs it should be addressed immediately. Otherwise, there would be an unintended message that would allow bullying behavior to be acceptable. Not only does bullying behavior reach into the realm of harassment and discriminatory issues, but it also can potentially have negative impacts on society as a whole. If the issue of bullying is left unattended, especially in schools, we as a nation could potentially have a bigger problem on our hands, in the form of an “unproductive citizen.” Things like criminal activity and high school dropouts can cause a financial strain on society as we make efforts to reform them or provide need based assistance through social programs. Therefore, in an effort to eliminate some of these potential unintended consequences, we should try to be as proactive as possible when combating bullying in schools. There needs to be tools and policies in place to address incidents of bullying. As of April 2012, 49 states have enacted laws in regards to anti-bullying measures in schools.⁴ However, these bills vary in their definitions of bullying, their requirements, and the protection afforded to students.

History

The term bully is a very familiar concept with people. At some point during our lives, most people have either been bullied or have witnessed someone else being

⁴ Government Accountability Office, “School Bullying Extent of Legal Protections for Vulnerable Groups Needs to Be More Fully Assessed,” #GAO-12-349, May 2012, <http://www.gao.gov/products/GAO-12-349> (Accessed October 9, 2013)

bullied. Webster's dictionary defines a bully as a blustering brow beating person; especially one who is habitually cruel to others.⁵ However, there are those that would argue that bullying is apart of natural growing pains in which one must learn how to handle. Due to differences in people's character, background, and experiences, the concept of bullying can be a very subjective matter.

Systematic research on bullying is pretty rare prior to the 1970s, but patterns of bullying are described in documents from the 18th and 19th centuries from countries such as Japan and Korea.⁶ In Japan bullying (ijime) is psychological rather than physical harm or injury. The concept of bullying (ijime) in Japan involves the feeling of shame. Isolation, separation, and the threat of abandonment for a short period of time, are techniques commonly used by parents to punish their kids. Parents believed that such treatment would teach children how to survive. This tradition moved into classrooms and schools where teachers would encourage children to ostracize other children who were being strange, in order to create a norm of conformity to group standards.⁷ In Korea the first document on bullying (myunsinrae) was seen in the documents of the Chosun Dynasty (1392 -1910).⁸ Similar to Japan, the concept of bullying in Korea was psychological, but it was physical as well. Myunsinrae was a "welcome" or initiation ritual for new Korean officers by senior officers. This ritual involved misconduct by the senior officers where new officers were isolated, insulted,

⁵ Merriam Webster Dictionary, "Bully" <http://www.merriam-webster.com/dictionary/bully> (Accessed October 9, 2013)

⁶ Hyojin Koo, "A Time Line of the Evolution of School Bullying in Differing Social Contexts," Asia Pacific Education Review Vol. 8, No. 1, (2007), <https://webpace.utexas.edu/lab3346/School%20Bullying/Koo2007/Koreabullyinghistory2007.pdf> (Accessed October 1, 2013)

⁷ Hyojin Koo, "A Time Line of the Evolution of School Bullying in Differing Social Contexts"

⁸ Hyojin Koo, "A Time Line of the Evolution of School Bullying in Differing Social Contexts"

punished for lack of information pertaining to official duties, and physically assaulted. Unfortunately, during the first year of King Danjong, the sixth king of the Chosun Dynasty, Officer Chung Yoon-Hwa committed suicide. He had endured Myunsinrae for over a year.

People began to shift their view of violence with the occurrence of World War II (WWII). This war had, “significantly altered and affected our awareness of basic human rights and the dignity of life.”⁹ Due to the development of the press, people had a greater awareness of the world and arguably could have begun to realize that anyone could be the object of violence. This was evidenced in 1948 and 1949 when the United Nations declared that all people deserve the right to life, liberty, security, and the right to equality. This helped to change the perception of acceptable behavior and treatment of others. Prior to the 1970s, the concept of aggressive behavior was synonymous with the word bullying. In the 1950’s, aggressive behavior centered mainly around robbing and stealing. By the 1960’s, the definition of aggressive behavior began to encompass persistent inattention, carelessness, underhandedness, and smoking. As bullying and aggressive behavior became a concern for parents and teachers, the work of one man led the way for studies on bullying.

A significant turning point for bullying took place in the mid 1970s. Dan Olweus, a research professor of psychology, was the first to conduct an intensive study on bullying among students using a self-report questionnaire. Olweus’s research efforts have helped enormously in the fight against bullying because it brought awareness, initiated other professionals to conduct research, and vastly

⁹ Hyojin Koo, “A Time Line of the Evolution of School Bullying in Differing Social Contexts”

expanded the meaning of bullying. His work helped to change the definition of bullying to include both physical and emotional harassment, and it also helped to make bullying a social concern.

Bullying in schools is still a growing concern today. One particular story made national headlines 3 years ago. Phoebe Prince was a 15 year girl, who committed suicide on January 14, 2010. Prince attended South Hadley High School in Massachusetts, having moved with her family from Ireland to the United States. She had been continuously bullied over the course of three months, reportedly due to a new relationship she was having with a fellow student. Phoebe experienced physical and verbal abuse and harassment.¹⁰ On January 14, 2010, Phoebe Prince hung herself in the stairwell of her family's apartment building. Earlier that day she was harassed in the school library. The incident took place in the presence of a faculty member and fellow students, none of whom reported the incident until after her death. Another tragic story of bullying made headlines later in the year during September of 2010. Tyler Clementi was an 18 year old freshman at Rutgers University. He committed suicide by jumping off the George Washington Bridge on September 22, 2010. Tyler Clementi was allegedly filmed during a "sexual encounter" with another man by his roommate who later posted the footage online.¹¹ Clementi's suicide drew attention on the victimization of lesbian, gay, bisexual, and transgender youth.

¹⁰ CNN Wire Staff, "Prosecutor: 9 Teens Charged in Bullying That Led to Girl's Suicide," March 30, 2010, <http://www.cnn.com/2010/CRIME/03/29/massachusetts.bullying.suicide/index.html> (Accessed October 1, 2013)

¹¹ New York Times, "Tyler Clementi," Updated: March 16, 2012, http://topics.nytimes.com/top/reference/timestopics/people/c/tyler_clementi/index.html (Accessed October 1, 2013)

Background

According to the federal government's "Stop Bullying" website, in order for one to be considered a bully, the bully's behavior must be aggressive, repetitive or have the potential to happen more than once, and involve an imbalance of power.¹² Bullies usually assert this power in a variety of ways such as through their physical strength, social status or popularity, and access to embarrassing information. They will use these methods to control and harm their victims. There are four types of bullying: verbal, physical, social, and cyber bullying. Verbal bullying is inclusive of things such as teasing or taunting, name calling, and threatening to cause harm. Physical bullying involves physical harm and the taking or destroying of one's property. Social bullying entails things like embarrassing someone, spreading rumors about someone, and telling other children not to be friends with the victim. Cyber bullying is form of social bullying that involves using emails, text messaging, and social media to harass and discriminate against other people. Bullying incidents may take place on school grounds, on the way to and from school, and over the internet. There is no precise formula to figure out who will become a target for bullies, yet, there are a few risk factors, although not certain, that can be indicative of potential victims of bullying. Children who are bullied are usually perceived to be weak, have low self-esteem, or different in some way. These differences can be attributed to a person's weight, wearing glasses, being a new student to the school, a person's appearance, the way someone speaks, or not being "cool." Additionally, certain communities of students may be looked upon as vulnerable to bullying if they are

¹² U.S. Department of Health and Human Services, Stop Bullying Website, "What is Bullying," <http://www.stopbullying.gov/what-is-bullying/definition/index.html> (Accessed October 9, 2013)

disabled or have special needs, are LGBT (lesbian, gay, bi-sexual, and transgender) or perceived to be LGBT, and identify with certain religious and faith groups. For instance Muslim girls may be picked on for wearing hijabs (head scarfs) and Jewish boys may be picked on for wearing yarmulkes (skull caps). Identifying bullies can be just as difficult; however, there are generally two different types of bullies. People who tend to be bullies are either isolated from their peers and do not identify with the emotions of others, or they are well connected with their peers and like to be dominate or in charge. Those who are likely to be a bully will exhibit signs such as being increasingly aggressive, have friends who bully others, blame others for their actions, have new unexplained items, and will tend to get into verbal and physical fights with others.

The effects of bullying can be very detrimental. A child that is being bullied is likely to experience depression, have some health complaints and issues, and have decreased academic achievement and involvement in school.¹³ And in the worst case, a child who has been bullied may potentially cause harm to himself. The act of bullying also has negative effects on the bully as well. Bullies tend to have an increased risk of being involved in things such as criminal activity, drug usage, being abusive to his peers and adults, getting into fights, and possibly dropping out of school.¹⁴

In America there are 49 states that require schools to address bullying in some manner. Montana is the only state that does not have any type of anti-bullying laws.¹⁵ These bills vary in their definitions of bullying, their requirements, and the protection

¹³ U.S. Department of Health and Human Services, Stop Bullying Website, "What is Bullying"

¹⁴ U.S. Department of Health and Human Services, Stop Bullying Website, "What is Bullying"

¹⁵ Bully Police USA, "State Grades," <http://bullypolice.org> (Accessed October 9, 2013)

afforded to students. For example, Arkansas and New Mexico identify race, color, sex or gender, national origin, disability, sexual orientation, gender identity, and religion as demographic groups protected from bullying. California is one state that includes all of these groups except color.¹⁶ California's bullying law is exclusive and limits protections to those listed within the law. The state of Illinois also includes ancestry, age, and marital status as other protected classes. Massachusetts does not include protected classes as a means to ensure that all youth are equally protected. The state of Massachusetts also has a specific office within the state educational agency designated to receive complaints, including youths who have been bullied for any reason, including things like obesity or socioeconomic status. Additionally, state laws have different requirements on their state educational agencies. Vermont and Virginia are among some states that require their state educational agency to develop model bullying policies as a resource for school districts. State educational agencies in some states such as Arkansas and California are required to review or monitor school district's bullying policies, but the approach may vary. For instance, state education agencies in Arkansas have to conduct on site reviews every 4 years and they require school districts to forward information to the Department of Education for review every year. States also differ in the requirements of what must be included in anti-bullying policies and plans. All states don't require that a school district have a process in place for receiving and investigating complaints, and not all states require school district policies to identify the consequences for bullies. For example the state of Illinois does not require school policies to disclose consequences for engaging in

¹⁶ Government Accountability Office, "School Bullying Extent of Legal Protections for Vulnerable Groups Needs to Be More Fully Assessed"

bullying behavior, mandate that school employees report incidents or that schools have reporting procedures, and a process for receiving and investigating complaints is not required.¹⁷

The federal government has been increasing efforts to combat bullying issues as well. In 2004, an informational campaign, “Stop Bullying Now!” was launched through the Department of Health and Human Services, the Health Resources and Services Administration (HRSA) office.¹⁸ The Departments of Education, Justice, Agriculture, Defense, and Interior worked together with the Department of Health and Human Services on this bullying campaign. The purpose of “Stop Bullying Now!” was to raise awareness, foster partnerships, and disseminate information on ways to prevent and intervene in instances of bullying. A variety of free materials were made available to spread messaging efforts including a DVD containing 14 cartoons, posters, brochures, tip sheets, public service announcements, and tool kits for youth leaders and adults. There were 4,000 Boys and Girls Clubs, 17,000 libraries, and 66,000 public elementary and middle schools across the country were among those who received this information in mass mailings.

The Federal Partners in Bullying Prevention Steering Committee was created in 2009. The purpose of the committee is to serve as a forum for federal agencies to develop and share information regarding bullying amongst themselves and the public. The Federal Partners in Bullying Prevention Steering Committee is composed of the Departments of Health and Human Services, Education, Justice, Agriculture, Interior,

¹⁷ Government Accountability Office, “School Bullying Extent of Legal Protections for Vulnerable Groups Needs to Be More Fully Assessed”

¹⁸ U.S. Department of Health and Human Services, “Stop Bullying Now!” <http://mchb.hrsa.gov/programs/bullying/> (Accessed October 9, 2013)

and Defense, along with the National Council on Disability, the Federal Trade Commission, and the White House Initiative on Asian Americans and Pacific Islanders. This committee helped to create the first White House Conference on Bullying Prevention. On March, 10, 2011, the first ever White House Conference on Bullying Prevention was held.¹⁹ The conference was hosted by President Obama, First Lady Michelle, the Department of Education, and the Department of Health and Human Services. This conference brought together teachers, students, the private sector, policymakers, non-profit leaders, and advocates to discuss ways in which to make schools safer. President Obama said the key goal of the conference is to dispel the myth that "bullying is just a harmless rite of passage." "It's not. Bullying can have destructive consequences for our young people," he said. "And it's not something we have to accept." Michelle Obama said they were moved to get involved in this issue not just as president and first lady but as parents of young children. "As parents, it breaks our hearts to think that any child feels afraid every day in the classroom or on the playground or even online," she said. "It breaks our hearts to think about any parent losing a child to bullying or just wondering whether their kids will be safe when they leave for school in the morning."²⁰ At this conference, the federal government also launched its website www.stopbullying.gov in an effort to provide a central location for resourceful information on ways to combat and respond to bullying. All of the information from the "Stop Bullying Now!" campaign was moved

¹⁹ The White House, Office of the Press Secretary, "Background on White House Conference on Bullying and Prevention," March 10, 2011, <http://www.whitehouse.gov/the-press-office/2011/03/10/background-white-house-conference-bullying-prevention> (Accessed October 11, 2013)

²⁰ Karen Travers, ABC News, "At White House Conference, President Obama, First Lady Focus on Bullying," March 10, 2011, <http://abcnews.go.com/Politics/white-house-turns-attention-bullying/story?id=13097724> (Accessed October 11, 2013)

to this site as well, and is managed by the U.S. Department of Health and Human Services.

There is no federal law that specifically addresses bullying. However, when bullying overlaps with discriminatory harassment, federally funded schools have an obligation to resolve the issue under federal civil rights laws. For instance, Title IV and Title VI of the Civil Rights Act of 1964 bans discrimination from public schools that receive federal funds, on the basis of racial, ethnic, national origins, and religious identities.²¹ Title IX of the Higher Education Act Amendments of 1972, says that no person on the basis of sex should be denied, excluded from, or discriminated against from any educational program or activities that receives federal funding.²² And to address the needs of children with disabilities there are laws such as the Individuals with Disabilities Education Act (IDEA).²³ These federal civil rights laws are enforced by the United States Department of Education and the United States Department of Justice. Regardless if the behavior is labeled as bullying, hazing, teasing, and so forth, schools and institutions of higher learning are obligated to address conduct that is severe or persistent, creates a hostile environment, and is based on the victim's race, gender, religion, national origin, color, or disability. The Department of Education issued a letter to schools, on October 26, 2010, clearly stating that under certain circumstances, incidents of bullying may trigger legal responsibilities under these civil rights laws.²⁴

²¹ The Civil Rights Act of 1964, Public Law 88-352, 88th Congress, [July 2, 1964]

²² Higher Education Act Amendments of 1972, Public Law 92-318, 92nd Congress [June 23, 1972]

²³ Individuals with Disabilities Education Act (IDEA), Public Law 101-476, 101st Congress [October 30, 1990]

²⁴ Department of Education, Office of Civil Rights. "Dear Colleague Letter" October 26, 2010. <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.html> (Accessed October 11, 2013)

During the 112th Congress several bills were introduced that related to bullying. The following bills were among those that were introduced during the 112th Congress: 1) HR 83, the Bullying Prevention and Intervention Act of 2011, 2) HR 975, the Anti-Bullying and Harassment Act of 2011, 3) S.540/HR 1048, the Tyler Clementi Higher Education Anti-Harassment Act of 2011 and 4) S. 919 the Successful, Safe, and Healthy Students Act of 2011. , These bills address various issues such as bullying policies, the collection and reporting of bullying data, and the prohibition of discrimination based on sexual orientation or gender identity. Some of these bills also would have authorized federal grants to states and school districts for anti-bullying related purposes.²⁵ Unfortunately, none of the bills made it passed their respective committees. On March 14, 2013, during the 113th Congress, Representative Linda Sanchez (D-CA), you reintroduced H.R. 1199, the Safe Schools Improvement Act (SSIA). As you know, this bill would amend the Elementary and Secondary Education Act of 1965, to require federally funded schools to adopt codes of conduct specifically prohibiting bullying and harassment, inclusive of the basis of actual or perceived sexual orientation and gender identity. This bill would also require states to report bullying and harassment data to the Department of Education.²⁶ The Safe Schools Improvement Act, was referred to the House Subcommittee on Early Childhood, Elementary, and Secondary Education, on April 23, 2013.

²⁵ Government Accountability Office, “School Bullying Extent of Legal Protections for Vulnerable Groups Needs to Be More Fully Assessed”

²⁶ The Safe Schools Improvement Act (SSIA), H.R. 119, 113th Congress [introduced March 14, 2013]

Key Players

There are a number of organizations that represent the interests of students, parents, and educational professionals that would be interested in anti-bullying policies as well. For example, the National School Board Association has stated that it is “dedicated to providing a safe learning environment, and to preventing and eliminating bullying and harassment in public schools.”²⁷ Additionally, the National PTA (Parent Teacher Association) has announced that, “The National PTA and its constituent organizations support policies and programs that address the prevention, intervention, and elimination of bullying.”²⁸ President Randi Weingarten of the American Federation of Teachers, has been quoted saying, “Schools should be places where students feel safe and can thrive without the fear of taunts or humiliation. It is time to stop excusing bullying as ‘kids will be kids.’”²⁹ And the National Educational Association has created a nationwide online anti-bullying campaign entitled “Bully-Free: It Starts with Me,” encouraging adults in schools to listen and act on behalf of bullied students across America.³⁰

²⁷ National School Board Association. “Addressing School Bullying.” <http://www.nsba.org/bullying> (Accessed October 20, 2013)

²⁸ National PTA, “Resolution Against Bullying,” <http://www.pta.org/programs/content.cfm?ItemNumber=943> (Accessed October 20, 2013)

²⁹ American Federation of Teachers, “American Federation of Teachers Launches National ‘See a Bully, Stop a Bully: Make a Difference’ Campaign,” Press Release: March 18, 2011, <http://www.aft.org/newspubs/press/2011/031811.cfm> (Accessed October 20, 2013)

³⁰ National Education Association, “Bully Free: It Starts With Me,” <http://www.nea.org/home/neabullyfree.html> (Accessed October 20, 2013)

Policy Proposal

The Safe Schools Improvement Act is a notable piece of legislation in the effort to combat bullying. As previously stated this bill would require federally funded schools to adopt codes of conduct specifically prohibiting bullying and harassment, and the collection and the reporting of bullying data to the Department of Education. Although the bill contains some very important elements such as annual notices to students and parents describing prohibited behaviors, and mandating that grievance procedures be provided in order to register bullying complaints, this piece of legislation is not enough. The Safe Schools Improvement Act only requires local education agencies who receive federal funding under Title IV to adhere to its policies. Policies surrounding anti-bullying measures in schools need to exist at the state level as well. There needs to be a new and improved piece of legislation introduced that would help to create a national set of standard baseline practices aimed at preventing and prohibiting bullying behavior in schools, for all states to abide by.

This new piece of legislation would build upon your Safe Schools Improvement Act, with the following: 1) creating a federal definition of bullying, 2) mandating that all states have and comply with anti-bullying policies 3) stating clear accelerated consequences for acts of bullying, 4) providing protections to all classes of people, 5) clearly expressing expectations of positive student behavior, and 6) provide training for teachers and other school staff to recognize and help prevent incidents of bullying. These additional provisions will make the Safe Schools Improvement Act a stronger and more comprehensive piece of legislation.

The authorizing mechanism for this proposal is federal legislation that will need to be enacted into law. This policy would be implemented at the state level and administered by local educational agencies. State governments have direct oversight over most aspects of education at all levels such as administrative and fiscal functions.³¹ To ensure all states comply, they will have to adopt these policies in order to receive federal grant money under Title IV of the Elementary and Secondary Education Act of 1965, for educational research and training.

Policy Analysis

There would be a very minimum impact economically on a federal level. The bill is not creating an additional pot of money to be dispersed but rather additional stipulations in order to receive the money that would be allocated to schools. But, there would be some administrative cost due to a central office being created in the local education agency to oversee all bullying related matters. These administrative costs are problematic, especially in this economic climate where states are still trying to recover from the Great Recession that began in December 2007.³² This legislative proposal would cause states to be financially responsible for these administrative costs. Since the Great Recession, at least 34 states have provided less funding per student for the 2013-14 school year than before the recession. Per-student funding has been cut by more than 10 percent, in 13 of these states. And in cases where funding

³¹ U.S. Department of Education, “Organization of U.S. Education: State Role I – Primary and Secondary Education,” February 2008, <http://www2.ed.gov/about/offices/list/ous/international/usnei/us/edlite-org-us.html> (Accessed October 25, 2013)

³² Center on Budget and Policy Priorities, “Most States Funding Schools Less Than Before the Recession,” September 12, 2013, <http://www.cbpp.org/cms/index.cfm?fa=view&id=4011> (Accessed January 15, 2014)

per student has increased, it generally is not enough to make up for the cuts in the past years. For instance the state of New Mexico has increased funding by \$72 for students, for the 2013-14 school year, but that is not nearly close to offsetting the state's \$946 cut to per student funding over the last 5 years.³³ Additionally, it is hard for school districts to replace state aid on their own. It is hard to raise more money from property taxes without increasing rates, which can be a huge political struggle as weak housing markets continue to regain stability. State resources are already limited, so imposing additional costs would not be favorable to their budgets. However, the pending threat of losing federal funds will be enough to ensure that states and local educational agencies comply with the provisions of this federal law that makes efforts to fight bullying in schools. About 8 percent of school funding comes from the federal government. This amounted to \$80 billion during the 2009-2010 school year.³⁴ Although 8 percent may not sound like a lot, but \$80 billion dollars is vital to many public schools, particularly those in weaker economic areas, where there is a lack of state funding, overcrowded classes, and too many students failing to learn basic math and reading levels. It is well known that there is an academic achievement gap between poor and non-poor students. Low-income students consistently score lower on tests, graduate at lower rates, and have lower college enrollments.³⁵ “The most recent, comprehensive studies indicate that school funding and student performance are strongly related. In particular, they find that low-income children can

³³ Center on Budget and Policy Priorities, “Most States Funding Schools Less Than Before the Recession”

³⁴ National Center for Education Statistics, “Public School Revenue Sources,” Last Updated: May 2013 http://nces.ed.gov/programs/coe/indicator_cma.asp (Accessed November 19, 2013)

³⁵ Kevin Carey, Center on Budget and Policy Priorities, “Education Funding and Low-Income Children: A Review of Current Research,” 2002, <http://www.cbpp.org/cms/index.cfm?fa=view&id=1428> (Accessed December 1, 2013)

substantially benefit from policies designed to provide additional resources to high-poverty school districts.”³⁶ Without their share of \$80 billion, school districts in low-income communities would be even more financially strained in efforts to cover the cost of educational resources for their students and teacher training.

It is also important to acknowledge that if states fail to meet the proposed bullying statute, they risk eligibility for funds from Title IV of the Elementary and Secondary Education Act of 1965. This is definitely a concern because Title IV provides funding for academic enrichment programs, helping to ensure that students meet state and local academic standards.³⁷ Title IV also covers funding for programs that help to ensure that schools are safe from violence and free from drugs. Wagering academic development programs and school safety on compliance with anti-bullying mandates is risky, but necessary. This risk is necessary because it helps to ensure that schools are doing everything within their means to encourage student success. Academic enrichment programs are vital to students, especially those who attend low-performing schools. But it is also equally important to make sure that schools are equipped with the necessary tools to help protect students from drug usage and violence, such as incidents of bullying. Linking anti-bullying provisions with funding for academic enrichment and school safety programs, sends the message that academic support and a safe school environment helps to foster student achievement.

Some people believe that bullying is not a real issue. They feel as if incidents of bullying are apart of growing up and is a “natural growing pain.” Interesting enough,

³⁶ Kevin Carey, Center on Budget and Policy Priorities, “Education Funding and Low-Income Children: A Review of Current Research,”

³⁷ Elementary and Secondary Education Act of 1965, Public Law 89-10, 89th Congress, 1st session. [April 11, 1965]

some students ranging from 7th-12th grade that were surveyed in the Midwest during the early 1990s regarding the role of bullying, alluded to this concept as well. A majority of these students surveyed agreed that victims of bullying were partly responsible themselves for being bullied, and that being bullied will toughened weak persons.³⁸ But this perspective doesn't negate the need for anti-bullying policies. As previously stated, nearly 28 percent of students from the ages of 12–18 years, have reported being bullied at school during the school year.³⁹ And with the study “Adult Psychiatric Outcomes of Bullying and Being Bullied by Peers in Childhood and Adolescence” suggesting that the effects of childhood and adolescence bullying are long term, with victims and bullies being at a higher risk for psychological disorders, bullying is a concrete issue that needs to be addressed. In 2006, mental health services costs totaled \$57.5 billion for 36.2 billion people.⁴⁰ These numbers are inclusive of 4.6 million children between the ages of 0-17 years receiving services, whose costs totaled to \$8.9 billion.⁴¹ Not all of these figures are linked to incidents of bullying, however, with these staggering numbers, it would be best to be proactive with anti-bullying measures, rather than reactive causing the cost of mental health services to continue to rise along with other social programs.

Furthermore, definitions for the concept of bullying vary. “Experts argue the way that bullying is defined in law has important implications for how behavior is viewed within the school community and the extent to which school personnel and

³⁸ Ronald Oliver, John H. Hoover, and Richard Hazer, "The Perceived Roles of Bullying in Small-Town Midwestern Schools." *Journal Of Counseling & Development* 72, No. 4, (1994), 416-420.

³⁹ National Center for Education Statistics, “Indicators of School Crime and Safety: 2011”

⁴⁰ National Institute of Mental Health, Health & Education, “Mental Healthcare Cost Data For All Americans (2006),” http://www.nimh.nih.gov/statistics/4COST_AM2006.shtml (Accessed December 1, 2013)

⁴¹ National Institute of Mental Health, Health & Education, “Mental Healthcare Cost Data For All Americans (2006)”

other students recognize and respond to bullying situations.”⁴² The following chart shows a few examples of how state legislation differs in their concepts of bullying.

Examples of Varying State Definitions for the Concept of Bullying		
State	Terms	Legislative Text
Massachusetts	Bullying	"Bullying," the repeated use by one or more students of a written, verbal or electronic expression or a physical act or gesture or any combination thereof, directed at a victim that: (i) causes physical or emotional harm to the victim or damage to the victim's property; (ii) places the victim in reasonable fear of harm to himself or of damage to his property; (iii) creates a hostile environment at school for the victim; (iv) infringes on the rights of the victim at school; or (v) materially and substantially disrupts the education process or the orderly operation of a school. For the purposes of this section, bullying shall include cyberbullying. <i>Mass. Gen. Laws. §71-370</i>
Alaska	Harassment, intimidation, or bullying	"Harassment, intimidation, or bullying" means an intentional written, oral, or physical act, when the act is undertaken with the intent of threatening, intimidating, harassing, or frightening the student, and (A) physically harms the student or damages the student's property; (B) has the effect of substantially interfering with the student's education; (C) is so severe, persistent, or pervasive that it creates an intimidating or threatening educational environment; or (D) has the effect of substantially disrupting the orderly operation of the school; <i>Alaska Stat. §14.33.250</i>
Nevada	Bullying	"Bullying" means a willful act or course of conduct on the part of one or more pupils which is not authorized by law and which exposes a pupil repeatedly and over time to one or more negative actions which is highly offensive to a reasonable person and is intended to cause and actually causes the pupil to suffer harm or serious emotional distress. <i>Nev. Rev. Stat. Ann. §388.122</i>
Nevada	Harassment	"Harassment" means a willful act or course of conduct that is not otherwise authorized by law and: Is highly offensive to a reasonable person, and Intended to cause and actually causes another person to suffer serious emotional distress. <i>Nev. Rev. Stat. Ann. §388.125</i>
Nevada	Intimidation	"Intimidation" means a willful act or course of conduct that is now otherwise authorized by law and: Is highly offensive to a reasonable person; and Poses a threat of immediate harm or actually inflicts harm to another person or to the property of another person. <i>Nev. Rev. Stat. Ann. §388.129</i>
Arizona	Harassment, intimidation, or bullying	No definition in state legislation

Source: Data Adapted from the U.S. Department of Education, Office of Planning, Evaluation, and Policy Development, "Analysis of State Bullying Laws and Policies," December 2011
<http://www2.ed.gov/rschstat/eval/bullying/state-bullying-laws/state-bullying-laws.pdf> (Accessed December 8, 2013)"

⁴² U.S. Department of Education, Office of Planning, Evaluation, and Policy Development, "Analysis of State Bullying Laws and Policies," December 2011.
<http://www2.ed.gov/rschstat/eval/bullying/state-bullying-laws/state-bullying-laws.pdf> (Accessed December 8, 2013)

The differences in which terms are defined will ultimately lead to the diversity in which legislation and policies surrounding bullying behavior will be applied.

Additionally, with so many varying concepts and definitions for bullying behavior, one could argue against establishing a federal definition because there is a possibility that a consensus wouldn't be reached with so many different perspectives. And as such, the idea of creating a federal definition could be considered premature in nature. But it is for these very reasons that there should be a federal definition for the concept of bullying. Having a federal definition for the concept of bullying, allows for school officials, parents, and students, to know exactly what constitutes as bullying behavior. This federal definition will serve as a tool or guideline in an effort to eliminate any disparities when identifying incidents of bullying behavior. When one is able to identify a problem, they will know how to address the issue. The federal government has already created a definition that should be legalized. According to the federal government's "Stop Bullying" website, in order for one to be considered a bully, the bully's behavior must be aggressive, repetitive or have the potential to happen more than once, and involve an imbalance of power.⁴³ This definition on the "Stop Bullying" website would be perfect for creating a legalized national standard because it encompasses two themes: aggressive or threatening behavior and repetitive actions, which seem to be common amongst varying bullying definitions. It also works well because it doesn't list specific subsets of students, thus allowing the definition to apply to all classes of students.

Unfortunately, there is no way to completely control someone's actions and ultimately people will do what they want to do. Therefore, it is impossible to be able to eradicate all bullying behaviors. However, a proactive approach can be taken to prevent

⁴³ U.S. Department of Health and Human Services, Stop Bullying Website, "What is Bullying"

bullying incidents at school. By having things in place like grievance procedures, clear expectations of student behavior, and clear accelerated consequences for acts of bullying, a positive atmosphere is created. It sends the message that bullying will not be tolerated and any acts of bullying will be dealt with accordingly. And in doing so, a deterrent to bullying is created. According to the study, "School Violence: Bullying Behaviors and the Psychosocial School Environment in Middle Schools," people are less likely to commit prohibited behaviors, when a positive atmosphere has been established.⁴⁴

Moreover, in 2010 there was a study published regarding the impact of South Carolina's "Safe School Climate Act." The Safe School Climate Act was passed in 2006 to address public concerns about bullying in schools, and was designed to limit and punish harassment, intimidation, or bullying, among students.⁴⁵ The study found that the bill has not improved bullying in schools due to inadequate implementation of the bill's provisions.⁴⁶ This study went on to say that quality staff development is needed along with ongoing training on anti-bullying policies in order to be able to implement these policies effectively. In 2008, another report was done on bullying in Washington State Schools. This report concluded that despite anti-bullying legislation that was passed in 2002, bullying had not substantially declined, mainly as a result of school districts not addressing bullying incidents uniformly.⁴⁷ Things such as: 1) creating a federal definition

⁴⁴ N. Meyer-Adams, and BT Conner, "School Violence: Bullying Behaviors and the Psychosocial School Environment in Middle Schools," *Children & Schools* 30, No. 4, (2008), 211-221.

⁴⁵ Terry M Troy, "Blocking the Bullies: Has South Carolina's Safe School Climate Act Made Public Schools Safer?," *Clearing House: A Journal of Educational Strategies, Issues, and Ideas*, Vol. 83, (2010), 96-100.

⁴⁶ Terry M Troy, "Blocking the Bullies: Has South Carolina's Safe School Climate Act Made Public Schools Safer?,"

⁴⁷ Kyra Kester, and Candiya Mann, Social & Economic Sciences Research Center (SESRC), Puget Sound Division, "Bullying in Washington Schools" Update 2008, http://equalrightswashington.org/pdfs/Bullying%20in%20Washington%20Schools_electronic%20version_FINAL.pdf (Accessed December 10, 2013)

of bullying, 2) mandating that all states have and comply with anti-bullying policies 3) stating clear accelerated consequences for acts of bullying, 4) sending out grievance procedures 5) providing protections to all classes of people, 5) clearly expressing expectations of positive student behavior, 6) mandating that information regarding bullying incidents be collected and reported to the Department of Education, and 7) training for teachers and other school staff to recognize and help prevent incidents of bullying, are necessary elements in the effort to properly implement and enforce anti-bullying policy. All bullying policy needs to have the same baseline elements in order to eliminate confusion and provide guidance when dealing with bullying behavior. Any policy will become useless when there is no guidance on how to identify and address the problem. Schools need to have the necessary tools made available to them to help ensure that students are free to learn in an environment that is free from harm.

Political Analysis

Considering all the complexities involved in the legislative process, there are some obvious downsides to consider. The first of which is time. With so many steps involved in this process, time is definitely not on anybody's side, as this can be a very lengthy process and arguably inefficient. Not to mention that thousands of pieces of legislation are introduced during each session of Congress. So far there have been over 9,900 pieces of legislation introduced during the 113th Session of Congress.⁴⁸ In addition to being a long and drawn out process, there are numerous hurdles that can prohibit a bill

⁴⁸ United States Congress, United States Legislative Information, Bills Searches and Lists, "Introduced 113th Congress (2013-2014)" <http://beta.congress.gov/search?q=%7B%22congress%22%3A%22113%22%2C%22source%22%3A%22legislation%22%7D> (Accessed December 10, 2013)

from becoming law. For instance a bill can die out in committee, and if by chance a bill makes it pass committee, the bill may or may not get placed on the legislative calendar. The Majority Leader has the discretion to decide which items get placed on the legislative calendar. This can potentially be a problem especially if the sponsor of a bill is from the minority party. Not too mention this process has to happen twice, considering that any bill will need to pass through both the House and Senate chambers. Additionally, there are opportunities for other members of congress to offer amendments. The opportunity for amendments to be offered coupled with potential revisions from the committee of jurisdiction, leaves room for the language within the bill to change. And if the language can be changed throughout the legislative process, then there is a risk that the original intent of the bill can be changed as well by using different choice words or vague language.

However, there are some positive elements to the legislative process as well. Although the process may be long and complex with many channels to go through, this is ultimately a good thing because it allows for careful consideration and deliberation. During the course of careful consideration and deliberation, any potential issues and concerns can be addressed. It also allows for the examination of any associated outcomes, whether they are positive or negative. Moreover, due to the deliberative element of the legislative process, there is an opportunity for all voices to be heard on the matter. Various constituency and advocacy groups can contact their respective Senators and Representatives to express their concerns and ideas regarding the matter. These concerns and ideas can be brought before the legislative body during floor debates and through the means of possible amendments for consideration and awareness. These constituency and

advocacy groups can also have their voices heard by giving testimonies at committee hearings. This all leads to a general public perception of legitimacy in regards to federal legislation. Overcoming each stage of the process can be time consuming, but in a sense, the bill would have earned some credibility by having to “prove” itself through deliberation and the passage of votes.

Additionally, when a bill becomes law, it will never have an expiration date, unless otherwise specified such as in the case of an appropriation bill, which may fund something for a certain amount of years or until all monies have been dispersed. Therefore, once a bill becomes law, it is very hard to have it repealed. Furthermore, federal legislation is a good way to execute policy because federal law applies to the entire nation. This eliminates the need to pass a law in each state separately, with hopes that the bill will transition through the legislative process smoothly at the state level.

Due to the gridlock atmosphere currently in Congress, not much of anything is getting accomplished legislatively. Over 9,900 pieces of legislation have been introduced in the 113th Congress and only 72 have become law.⁴⁹ There are 435 members of Congress in the House of Representatives and during this 113th session of Congress, 376 of these members have voted with their respective parties over 90 percent of the time.⁵⁰ This makes for a very unproductive session of congress because in order to pass a piece of legislation and get business done, each party needs votes from the other side, especially when each chamber of congress is controlled by a different party. Currently,

⁴⁹ United States Congress, United States Legislative Information, Bills Searches and Lists, “Introduced 113th Congress (2013-2014)”

⁵⁰ Brian Resnick, “This Is What Congressional Gridlock Looks Like in 1 Chart,” National Journal, November 13, 2013, www.nationaljournal.com/congress/this-is-what-congressional-gridlock-looks-like-in-1-chart-20131113 (Accessed December 10, 2013)

the House is controlled by Republicans and although they have the numbers to pass a bill, once that bill gets to the Senate, it will need the help of the Democrats to become law because the Democrats control the Senate. Not too mention that budgetary and sequestration issues have taken the forefront in congress, along with the implementation of the Affordable Care Act. This has caused many policy issues such as education to be put on the back burner and delayed. So until the political climate changes within congress, any attempts to tackle the issue of bullying in schools will have to wait. The unfortunate reality of this situation is that the House of Representatives will not pass this proposed legislation under the current republican leadership whose focus is centered on budgetary issues. Even with this being said it is still beneficial to introduce this bill. The mere introduction of a bill of this nature, affirms the fact that bullying is a nationwide issue that needs to be addressed on a federal level. Secondly, having been introduced in Congress, the bill itself begins to stir up conversations and debate surrounding issues of bullying. Legislation that has been introduced will gain the attention of its associated advocacy groups because they are always on the look out for the manner in which pending legislation will impact policy issues. And as various groups begin to study and assess the bill's potential impact, through various outlets, they will promote reasons to either support or oppose the bill. All of this provides awareness to a widely varied audience. Regardless if one supports this idea or not, it is very important to discuss incidents of bullying and the issues surrounding this type of policy instead of ignoring this growing problem. News outlets are reporting more and more on school tragedies involving bullying behavior. On the other hand, waiting for the congressional gridlock to subside can work to the advantage of advancing anti-bullying policies. This wait period

provides the opportunity to once again build momentum and more support for federal policies regarding bullying in schools. Because the concept of bullying is so subjective, it is important to continuously provide awareness about bullying and the damaging effects of bullying behavior.

Furthermore, once this gridlock is over then the issue of “timing” has to be dealt with. Meaning, this policy needs to be presented during a time in which people are focused on educational issues. Once education issues become a priority again in congress, the reauthorization of the No Child Left Behind Act (NCLB), also known as the Elementary Secondary Education Act of 1965 (ESEA), will have to be addressed. This bill is important because its Title I Part A Program is the primary source of funding for primary and secondary (K-12) education and it has also increased public schools’ accountability for student achievement.⁵¹

The No Child Left Behind Act is very critical to education policy because it authorizes federal funding to a number of educational programs. These programs cover a variety of areas such as: 1) school library resources, textbooks, and other instructional materials, 2) supplementary educational centers and services, 3) educational research and training, 4) safe and drug free schools, and 5) grants to strengthen State Departments of Education, by allowing to them to pursue reform efforts on their own and supporting local reform efforts. These programs provide things such as training for teachers and principals, tutoring services for students, and the exploration of new and innovative teaching techniques that could be used. These services are very instrumental in the academic success of students. The No Child Left Behind Act has not been reauthorized since 2007, so this poses a serious problem that will need to be addressed. Nearly seven

⁵¹ No Child Left Behind Act of 2001, Public Law 107-110, 107th Congress, 1st session. [January 8, 2002]

years have passed since NCLB was last reauthorized and as time continues to pass on, its perceived level of importance will begin to diminish. And if school funding and student achievement aren't considered significant issues, then policies centered on bullying in schools will certainly be stagnant or stalled in the legislative process. Moreover, whenever discussions regarding the reauthorization of No Child Left Behind Act restart, it would be beneficial to have anti-bullying policy introduced around the same time. The No Child Left Behind Act is a very important piece of legislation for education policy, so associating policies that deal with bullying in schools to NCLB, will help to increase the likelihood of any anti-bullying measures matriculating through the legislative process. Again, the main focus of NCLB is student achievement. Victims of bullying tend to lose interest in school and as a result their level of academic achievement will drop. Connecting these two policies together through the element of student achievement helps to solidify the need for a federal law that addresses bullying in schools.

With the initial enactment of the Elementary and Secondary Education Act of 1965 (ESEA), federal education policy has focused on equality.⁵² This law and other following policies such as the Individuals with Disabilities Education Act (IDEA) were about serving all disadvantaged students and on meeting their academic needs, to close the achievement gap that exists between them and their more advantaged peers.⁵³ The federal government's efforts in education within recent decades have been geared at urging states and local education agencies to provide equal educational opportunities for

⁵² Elementary and Secondary Education Act of 1965, Public Law 89-10, 89th Congress, 1st session. [April 11, 1965]

⁵³ Individuals with Disabilities Education Act of 1997, Public Law 105-17, 105th Congress, 1st session. [June 4, 1997]

all students. The concept of equal opportunity for education is inclusive of a safe school environment which prohibits bullying.

Nonetheless, education has historically been in the domain of state and local governments. So with this being said, there will be those who would be opposed to a national mandate of baseline procedures for combating bullying in schools. People have concerns with “big government.” They feel as though it is a slippery slope, to have the federal government dictating aspects of everyday life activities. States and local governments are responsible for carrying out the administrative and budgetary aspects of public education and therefore, some people feel it is more appropriate for the States to create and implement educational policy. Additionally, many states may complain and oppose this proposal based on past experiences with education reform, such as “No Child Left Behind.” States and local governments oppose interference by the federal government in education policy because it violates their local authority. So while they oppose bullying, they don’t want the federal government telling them how to address the problem. This issue of federal and state relations currently is even further exacerbated due to the implementation of the Affordable Care Act. The Affordable Care Act basically extends medical coverage to 33 million uninsured Americans, by expanding state Medicaid programs.⁵⁴ Most provisions are set to be implemented by early 2014. States have been in opposition to this law because they feel it’s a violation of state sovereignty and feel people shouldn’t be forced to buy health insurance. Some states have even filed a

⁵⁴ The Patient Protection and Affordable Care Act (PPACA), Public Law 111-148, 111th Congress, 2nd session [March 23, 2010]

lawsuit against the federal government as a result of this law.⁵⁵ Having said this, if the federal government followed the Affordable Care Act with state mandates for anti-bullying policy, chances are it will not be well received by the states.

Recommendation

As the issue of bullying in schools continues to rise there needs to be a federal law that explicitly addresses anti-bullying policies along with its respective procedures. The goal is to have a national uniform baseline approach in combating issues surrounding bullying. The efforts already taken by the states and the federal government are notable and should not be taken lightly. Requiring states to collect and report bullying data to the Department of Education along with annual notices of grievance procedures are a great start. However, we can solidify efforts to fight bullying in schools by enhancing the Safe Schools Improvement Act, with these key provisions: 1) creating a federal definition of bullying, 2) mandating that all states have and comply with anti-bullying policies 3) stating clear accelerated consequences for acts of bullying, 4) providing protections to all classes of people, 5) clearly expressing expectations of positive student behavior, and 6) provide training for teachers and other school staff to recognize and help prevent incidents of bullying.

Even though, the current political climate is not conducive to creating and implementing new policies, federal law is the best approach to confronting issues of bullying at schools. Although, this legislation will not pass during this Congress, it

⁵⁵USA Today, “13 Attorneys General Sue Over Health Care Overhaul,” Last Updated: March 23, 2010, http://usatoday30.usatoday.com/news/nation/2010-03-23-attorneys-general-health-suit_N.htm (Accessed December 9, 2013)

doesn't negate the seriousness of the matter. This piece of legislation needs to be introduced so we can continue to build support and awareness around the issue of bullying in schools. Discussions would continue to develop because educational professionals and advocates will study and analyze this bill's efforts in regards to anti-bullying measures. And as long as discussions are taking place, we can continue to improve upon this bill as needed, so that when education policy becomes a priority again in Congress, time isn't wasted and bullying issues can be tackled swiftly.

The federal legislative process can be lengthy and complex, but once it has been completed it is a solid policy mechanism. The legislative process allows for deliberation on the subject matter and the opportunity to make any necessary changes. This federal law also would mandate each state to comply with its provisions in one movement. And once a bill becomes law, it would be very hard and difficult to change or amend the policy measures within it, because it's a living document with no expiration date.

Moreover, there is a need for a legalized federal definition, so there is a specific and clear understanding as to what bullying entails. There is a difference between being occasionally teased and being bullied. The concept of teasing is playful in nature, whereas bullying is harmful, intentional, and repetitive. The definition can be taken straight from the government's stop bullying website, which states that "in order for one to be considered a bully, the bully's behavior must be aggressive, repetitive or have the potential to happen more than once, and involve an imbalance of power."⁵⁶ This definition would apply to acts that are physical, emotional, social, and cyber related. By constructing a federal definition, a national standard is set, so as states work to implement

⁵⁶ U.S. Department of Health and Human Services, Stop Bullying Website, "What is Bullying"

policies and procedures for dealing with bullying incidents, there aren't any discrepancies from state to state as to the understanding of what constitutes as bullying behavior. Each student should be afforded equal protections from victimization of bullying. School should be a safe place for children to explore new ideas and concepts. It shouldn't matter if laws or policies specifically list a particular class such as race or gender identity, in order for one to be protected from discrimination or harassment. People have the right to just be themselves and as such, they do not have to endure acts of discrimination. It should also be mandatory that there are procedures in place to report bullying incidences and a prescribed list of accelerated consequences for bullying infractions. Schools need to provide a sense of security and safety to its students. In my opinion, I think it is ridiculous that some states such as Illinois don't require schools to have reporting and investigating policies in place. When bullying incidents arise, having reporting and investigating policies already in place will help to ensure swift action to the situation. It also diminishes the chances that any bullying incident will go unnoticed or without recourse when it is reported. Furthermore, there should be a specific office that receives, reviews, and analyzes all incidents of student victimization. By having all reviews and investigations run out of one central office, it helps to ensure accuracy and consistency in obtaining data. This central office also creates the opportunity for educational staff to develop and acquire expertise in policies surrounding bullying and other forms of victimization. This office could also act as a resource, helping schools to stay in compliance with federal and state laws regarding anti-bullying efforts.

Clearly stating the associated consequences for acts of bullying within school policy lets everyone know that bullying is unacceptable. When the consequences of

negative behavior are clearly made known, not only does it act as a warning, but it also acts as a deterrent. Some students are not willing to take the risk of suspension and maybe even expulsion, for bullying another student. Students also need to feel free and safe from retaliation when reporting bullying incidents; otherwise they may not seek help. Every victim of bullying should be afforded the same protections and every bully should be subjected to consequences. Having policies in place for reporting bullying and the associated consequences, helps to clearly send the message that not only is bullying a serious issue, but that it will not be tolerated by any means. Each state should also have the same policies and procedures for preventing issues of bullying. For instance, schools are currently encouraged to create Code of Conducts or a Student's Bill of Rights, but federal legislation could make the creation of Code of Conducts and Student's Bill of Rights mandatory. No student should have any doubts in regards to how they should be treated while at school. When creating and implementing anti-bullying policy, all schools should find ways to engage the teachers and staff, students, and parents in the process. By engaging teachers and staff, students, and the parents in the process, the defense against bullying efforts is made three times as strong. The defense is centered on the awareness of having anti-bullying policy and the mechanisms used to implement and utilize them. People need to know that when they are in need of help, there is a formal way to seek assistance and obtain support. Sometimes the best defense is being proactive rather than being reactive. It is important to have discussions with students about the negative effects of discrimination and harassment. It is also very important to convey to students the notion of how would they feel if they were the victim of bullying. Students need to know that they have a support system and that the lines of communication are open in the event

they need to find help. Students need to also be made aware of different tactics used for avoiding or confronting potential bullying situations. And above all, maintaining an atmosphere of respect at all times should be strongly encouraged.

All of the above mentioned principles would need to be mandated and not suggested to every state under federal legislation. Again, Montana is the only state which does not have any sort of anti-bullying laws in place. There is no way to directly shield or protect the children in the state of Montana from possibly being a victim of bullying or witnessing someone else being bullied while at school. Children all across the United States need to be afforded these protections explicitly. By not mandating every state to comply with anti-bullying policies and procedures, we are being neglectful to students. The act of bullying affects all parties involved negatively. If the bully is not reprimanded, he will continue to bully others and believe that his behavior is acceptable. This only creates a hostile environment that takes the focus away from being a well- rounded student and obtaining an education. If a bully goes without some form of punishment, he could have an increased risk of engaging in other actions that could potentially lead to a path of destruction. This path of destruction may be inclusive of aggressive behavior or criminal activity. Additionally, victims of bullying can have decreased confidence or self-esteem, acquire health related issues, start performing poorly in school, and in extreme cases may be harmful to themselves. Either way, none of these potential outcomes are good. Every child deserves to receive an education, that is issued in a safe place and free from discrimination. Children are sent to school to learn, develop socially, and to acquire the tools necessary to succeed in life. So it is imperative that we not only try to prevent incidents of bullying, but we also need to give our schools the tools needed to combat this

problem head on. Schools need to be a safe place where students learn and productive members of society are formed.

If we as a nation are trying to combat a huge problem in our schools, we should all be working together and not against each other. We need to be uniform in our approach and response to bullying. We have a responsibility to provide protection to our students. “Our nation's schools should be safe havens for teaching and learning, free of crime and violence. Any instance of crime or violence at school not only affects the individuals involved, but also may disrupt the educational process and affect bystanders, the school itself, and the surrounding community.”⁵⁷

⁵⁷ Stuart Henry, ” What Is School Violence? An Integrated Definition,” *Annals of the American Academy of Political and Social Science*, No. 567, (2000), 16-29.

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Curriculum Vitae

Bethany D. Williams was born on November 25, 1982, in Chattanooga, TN. She attended Walnut Hills High School in Cincinnati, OH and completed her undergraduate studies from Northern Kentucky University (NKU). While attending NKU Bethany was very involved in numerous student organizations and activities, while simultaneously working at Cincinnati Children's Hospital Medical Center. Bethany Williams went on to work for Cintas Corporation and in 2008 she accepted employment at the United States House of Representatives for Congressman Ben Chandler. During her tenure at the United States House of Representatives, she was promoted from Staff Assistant to Senior Legislative Assistant, where she gained experience in policy management and constituent relations. After 5 years of public service, Bethany Williams left the Hill to focus on completing her Masters of Public Management from Johns Hopkins University.