Mental Health in Schools UCLA Center Program and Policy Analysis

Addressing Bullying: State Guidance to Districts and Schools is Both Helpful and a Missed Opportunity

S tate legislatures increasingly have addressed bullying at school (including cyberbullying). The acts, however, generally do not allocate funds to enable schools to significantly confront the problem. Nevertheless, the renewed legislative attention has led state and local education agencies to enhance their focus on bullying. Some state education agencies have mainly implemented the letter of the law; others have used the legislation to expand attention to the problem.

As another barrier to learning, clearly bullying must be addressed. A concern, however, is whether the focus on bullying is being pursued as just one more initiative rather than as a major opportunity to help schools develop a comprehensive and cohesive system for addressing barriers to learning and teaching. As a beginning look at this matter, over the summer of 2011 our Center staff reviewed state education agency (SEA) websites. We also examined what is provided in the way of bullying policy and practice guidance and capacity building assistance for districts and schools. The following is a brief overview of what we found.

One More Initiative?

Most SEAs continue to pursue bullying at schools as a discrete initiative rather than using the increased interest as an opportunity to integrate policy and practice and facilitate development of a unified student and learning supports system. This is reflected in the online model policy statements and model programs SEAs have online. It is also seen in the emphasis on establishing bullying task forces (e.g., Illinois) and special campaigns (e.g., Mississippi's "Fear Stops Here" Campaign). And, the separateness of the work also is reflected in the types of information and technical assistance provided (see, for example, the archived webcasts in Delaware, Nebraska, Wisconsin; Florida's technical assistance guidance paper, Idaho's 67 page online manual, Georgia's bully prevention tool kit and cyberbullying prevention package).

Organizationally, the work is often housed in existing units that have focused specifically on school safety as part of Title IV, Part A, Safe and Drug-Free Schools and Communities (e.g., Alaska, Arizona, Florida, Georgia, Nebraska, New Hampshire, Oklahoma, West Virginia, Wisconsin). As Cyberbullying has become a significant concern for schools, technology units are increasingly involved (e.g., see New York and Virginia).

Even when housed in divisions that broadly focus on student and learning supports, the emphasis on bullying and school safety tend to be pursued in relative isolation from other efforts to address the many overlapping problems interfering with effective student learning and performance (e.g., see Alabama, California, Colorado, Delaware, Idaho, Indiana, Iowa, Maryland, Massachusetts, Texas, Virginia). The problem is compounded when legislation mandates that district superintendents appoint a district anti-bullying coordinator, principals appoint a school anti-bullying specialist, and that every school form a school safety team (e.g., see New Jersey legislation-- http://www.njleg.state.nj.us/2010/Bills/A3500/3466_S1.HTM).

Guidance & Assistance

Increasingly, SEA websites offer information and technical assistance for policy and practice related to harassment, intimidation, and bullying (HIB). Some also are providing resources; many have links to online resources (e.g., curricula, model programs).

SEA guidance has focused on local policy development for consequences and remediation related to harassment, intimidation, and bullying (HIB). New Jersey's lays it out as follows:

> "Since [state legislation] clearly establishes that the responses to a person (not only a student) who commits an act of HIBmust include *both consequences and appropriate remedial action*, school officials are responsible for taking all appropriate steps to understand and rectify the problem, which by law involves *more than traditional punitive actions*.
>   *Consequences* – In regard to *consequences*, only after meaningful consideration of the factors for determining consequences, described above, can an appropriate consequence be determined, consistent with the case law, Federal and State statutes, regulations and policies, and district policies, procedures, collective bargaining agreements and employee contracts
>   *Remediation* – In regard to *remediation*, only after meaningful consideration of the factors for determining remedial measures can an appropriate remedial response be determined, consistent with the documented needs of the student or staff member and the unique characteristics of the situation.
>   The overall school *climate* and school *culture* and the individual and institutional factors that contribute to climate and culture might overtly or inadvertently support HIB behavior. These factors *always* should be considered in the response to an act of HIB. Additionally, in *all* cases the district should attempt to *actively involve parents* in the remediation of the behavior(s) of concern. It is only after meaningful consideration of the factors and examples described above that appropriate consequences and remedial responses can be determined, consistent with the documented needs of the student or staff member, the unique characteristics of the student's or staff member's situation and the requirements under [state law]."

Guidance related to these matters stresses:

(1) Factors for Determining Consequences and Examples of Consequences

(2) Factors for Determining Remedial Measures and Examples of Interventions (personal and environmental)

See Exhibit 1 for a synthesis from various states of specifics related to each of these.

A Synthesis from Various States of Specifics Related to Local Policy Development for Consequences and Remediation Related to Harassment, Intimidation, and Bullying

As a resource for those who need it, the following weaves together relevant statements and lists of factors and examples. For brevity sake, these are excerpted and blended without attribution.

Departments providing policy models stress the points that:

- a district's board of education should require its school administrators to develop and to implement procedures that ensure both the appropriate consequences and remedial responses to a student or staff member who commits one or more acts of harassment or bullying

- a list should be provided of factors, which at a minimum, should be given full consideration by school administrators in the development of the procedures for determining appropriate consequences and remedial measures for each act of harassment, intimidation, or bullying.

Consequences and remedial actions for persons committing acts of bullying, harassment, or intimidation and for persons engaged in reprisal or retaliation and for persons found to have made false accusations should be consistently and fairly applied after appropriate investigation has determined that such an offense has occurred. Remedial measures and consequences shall be designed to prevent another occurrence of the problem; and to protect the victim of the act.

The following lists of consequences and remedial actions are presented in no particular order and are provided as a guide that by no means should limit school systems from addressing bullying in the most effective way. School systems are encouraged to develop or refine their own consequences and remedial actions consistent with the policies and procedures of their local boards of education.

(1) Factors for Determining Consequences

Consequences for a student or staff member who commits one or more acts of harassment, intimidation, or bullying may range from positive behavioral interventions up to and including suspension and expulsion, as set forth in the board's approved school disciplinary/behavioral/ safety policies. Consequences for a student who commits an act of harassment, intimidation, or bullying shall be varied according to the following:

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

Note: In order to ensure students' perception of fair and impartial treatment, a student's academic or athletic status is *not* a legitimate factor for determining consequences. Consequences must be perceived as fair and impartial.

Exhibit (cont.)

With respect to consequences, while some states specify use of established Student Codes of Conduct (e.g., Alabama, New York, Virginia), an increasing number of states are spelling out consequences in model policy statements (e.g., Alaska, Florida, Maryland, Michigan, New Jersey, Ohio, Rhode Island, South Carolina). In doing so, some stress:

> Consequences such as suspensions, expulsions, or protective orders should not be viewed as punishments designed to prevent bullying. Instead these are means of protecting the victims by providing community containment, while positive behavioral discipline is implemented.

> Consequences should also include recognition for positive behavior exhibited by the student who has previously exhibited bullying behavior, the bullied student who is implementing strategies to offset past problems, and the bystander who has taken an active role in addressing bullying behaviors.

Examples of Consequences

- Time out
- Loss of a privilege
- Verbal reprimand (admonishment)
- Participation in a guided reflection process designed to teach alternative behavior
- Parental notification
- Classroom or administrative Detention
- Referral to disciplinarian
- Reassignment of seats in class, cafeteria, bus
- Temporary removal from the classroom
- Reassignment of classes
- Reassignment to another school

- Completion of letter of acknowledgement of action, with apology, to victim (after review by staff and not in a case of sexual harassment or intimidation)
- Reparation to victim in the form of payment for or repair of damage to possession
- In-school suspension
- Out-of-school suspension
- Extended suspension
- Transfer to appropriate alternative program
- Referral to law enforcement
- Expulsion or termination

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(2) Factors for Determining Remedial Measures

Michigan stresses "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." New Jersey states: "Remedial measures shall be designed to *correct the problem behavior*; *prevent another occurrence* of the problem; *protect and provide support for the victim* of the act; and *take corrective action for documented systemic problems* related to harassment, intimidation or bullying." All staff are to maintain an emotionally-neutral, strength-based approach.

As indicated below, the emphasis is intended to be on both personal and environmental changes.

> (1) Personal – life skill competencies, experiential difficulties, social relationships, strengths, talents, traits, interests, hobbies, extra curricular activities, family situation, classroom participation, academic performance

> (2) Environmental – School culture, school climate, student staff relationships, general staff management of classrooms, staff abilities to prevent/de-escalate difficulties, social emotional behavioral supports, community activities, neighborhood culture, family situations, range and number of opportunities for student engagement, involvement, and recognition for achievement (beyond academics and athletics)

Exhibit (cont.)

<p style="text-align:center"><strong style="color:red">Examples of Remedial Measures</p>

Person-Focused Remedial Actions

- Parent/Student Conference
- Education about the effects of HIB (e.g., corrective instruction or other relevant learning or social experience
- Behavioral contract
- Positive behavioral supports
- Assignment of leadership responsibilities
- Counseling (delivered by a school support staff member or community referral)
- Community service
- Restitution and restoration
- Mediation,
- Transformative conferencing/restorative justice practices
- Supervised peer support group

- Recommendations of a student behavior or ethics council
- Corrective instruction or other relevant learning or service experience
- Behavioral management program developed in consultation with a mental health professional with benchmarks that are closely monitored
- Supportive discipline to increase accountability for the bullying offense
- Supportive interventions, including participation of an Intervention and Referral Services team, peer mediation, etc.
- Involvement of school disciplinarian
- Student treatment/therapy

Note: Some states also include reference to resources to support victims of bullying in their model policy (e.g., California recommends conflict resolutions resources, Florida, Maryland, Ohio, and Rhode Island offer a range of suggestions; Alaska links to online resources to support victims).

Strategies for Environmental Change (Classroom, School Building, District)

- Revise school policy and procedures
- Develop effective mechanisms for implementing personal remedial strategies
- Develop a range of activities or strategies designed to engage students who bully or harass in alternative pursuits
- Determine the conditions contributing to harassment, intimidation, or bullying and then address them in ways that improve school culture and climate.*
- Provide general topical staff development for certificated and non-certificated staff
- Provide professional development plans for staff in key disciplinary roles
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 *This includes improving learning and instructional pedagogy and directly addressing barriers to learning and teaching. It may require modifying schedules, adjusting hallway traffic, modifying student routes or patterns for traveling to and from school; increasing supervision and targeted use of monitors in hallways, cafeteria, locker rooms, school perimeter, before and after school play areas, on buses, etc.

- Prepare and use teacher aides and volunteers in targeted ways
- Ensure disciplinary action for school staff who contributed to the problem
- Increase involvement of parent-teacher organizations
- Increase involvement of community-based organizations
- Increase opportunities for parent input and engagement in school initiatives and activities
- Ensure frequent parent conferences and referrals to family counseling as necessary
- Develop a general HIB response plan
- Increase communication with and involvement of law enforcement (e.g., school resource officer, juvenile officer)
- Engage in community awareness events and planning sessions
- Adopt prevention programs & strategies

Exhibit (cont.)

A Few Other Related Matters of Note

(1) While not mandating a bullying prevention curriculum, some states emphasize use of the Olweus approach and provide training for using it (e.g., Iowa, Kansas). Others (e.g., Florida, Massachusetts) are providing links to online curricula, model programs, and resources such as those on the federal website *Stop Bullying Now*. Still others are stressing use of their Positive Behavior Support initiatives for which they provide training (e.g., Oregon).

(2) In their model policy, Florida stresses that, when student are referred to the collaborative problem solving team, the team should consider a range of interventions, such as counseling and support to address the needs of the victims of bullying, counseling to address the behavior of the students who bully (e.g. empathy training, anger management), assistance and support for parents, and analysis and evaluation of school culture with recommendations for interventions.

(3) Maryland states that "the prohibition of bullying in schools and reprisal and retaliation against individuals who report acts of bullying, as well as subsequent and standard consequences and remedial actions, cannot be effective as prevention and intervention methods unless they are included as a part of a whole-school prevention/intervention program. The whole-school program would include the following elements: prevention, intervention/remediation, and consequences.

  (a) Prevention will include:
- At least annual professional development for administrators and all staff to increase awareness of the prevalence, causes, and consequences of bullying and to increase the use of evidence-based strategies for preventing bullying. Additional professional development may be provided for new employees who are hired after the start of school during the school year.
- School-wide evidence-based anti-bullying programs implemented as a part of a system of positive behavioral supports and school improvement efforts at all grade levels.
- School climate improvement efforts in order to promote student involvement in the anti-bullying efforts, peer support, mutual respect, and a culture which encourages students to report incidents of bullying to adults.
- Collaboration with families and the community to inform parents about the prevalence, causes, and consequences of bullying, including its central role as a public health hazard, and the means of preventing it.
- Biennial school/building-specific data collection on the prevalence and characteristics of bullying which is used to guide local decision-making related to surveillance, prevention, intervention, and professional development.

  (b) Intervention/Remediation will include:
- Professional development for school staff on how to respond appropriately to students who bully, are bullied, and are bystanders who report bullying.
- Education/intervention for the students exhibiting bullying behaviors will include teaching replacement behaviors, empathy, tolerance and sensitivity to diversity.
- Remedial measures designed to correct the bullying behavior, prevent another occurrence, and protect the victim.
- Support/counseling for the victim with protection from retaliation and further episodes of bullying.
- A continuum of interventions developed to prevent bullying by addressing the social-emotional, behavioral, and academic needs of students who bully in order to prevent further incidents, while taking great care to ensure the safety of the victim.
- Utilizing community health and mental health resources for those students who are unable to stop bullying behaviors in spite of school intervention and for those students involved in bullying behaviors as perpetrators, victims, or witnesses whose mental or physical health, safety, or academic performance has been impacted."

**Broadening the Work by Embedding Bullying Concerns into
a Comprehensive System of Learning Supports**

While some states are moving toward integrating bullying into their efforts to address the many factors interfering with learning and teaching, most have tacked on their approach to yet another discrete initiative and are guiding schools to do so as well.

Bullying arises from a complex set of transactions among students and between students and the school environment. As with other complex behavior, emotional, and learning problems, bullying research indicates that narrowly conceived, stand alone interventions are insufficient. Rather than establishing a separate initiative and enacting another piecemeal policy, the current focus on bullying is an opportunity to develop a comprehensive and cohesive learning support component in a school. The time has come to move away from stand-alone programs for addressing bullying and other specifically designated problems manifested by students.

Rather than pursuing one more discrete program focused on a specific problem, it is essential to use each concern that rises to a high policy level as an opportunity to catalyze and leverage systemic change. To this end, it is time to develop a comprehensive system of interventions for addressing the full range of barriers to learning and teaching and for re-engaging disconnected students. Such a system is needed to coalesce an intervention continuum ranging from programs for primary prevention (including the promotion of healthy development) through those for addressing problems soon after onset and on to treatments for severe and chronic problems.

Addressing barriers to learning and teaching and re-engaging disconnected students is a school improvement imperative. Developing and implementing a comprehensive, multi-faceted, and cohesive system of student and learning supports is the next evolutionary stage in meeting this imperative. It is the missing component in efforts to close the achievement gap, enhance school safety, reduce dropout rates, and promote well-being and student success.

For a fuller discussion of this, see:

*Embedding Bullying Interventions into
a Comprehensive System of Student and Learning Supports*
http://smhp.psych.ucla.edu/pdfdocs/embeddingbullying.pdf

Abstract: Everybody agrees that school bullying is a major problem, but considerable controversy exists over the best way to address the problem. This document presents (a) a brief analysis and synthesis of the current state of the art, (b) underscores the need to avoid another piecemeal set of policy and practice initiatives, and (c) stresses that the growing emphasis on school bullying provides an opportunity to accelerate development of a comprehensive, multifaceted, and cohesive system of student and learning supports. Implications for policy are presented.

For a brief intro to developing a Comprehensive System of Learning Supports, see:

About New Directions for Student and Learning Supports
http://smhp.psych.ucla.edu/summit2002/aboutnd.htm