Effects of Federal and State Bullying Laws on Religiously Affiliated Schools

Dawn W. Hiller

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EFFECTS OF FEDERAL AND STATE BULLYING LAWS ON RELIGIOUSLY AFFILIATED SCHOOLS

by

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DEDICATION

I would like to dedicate this research to my wonderful parents. My mother always encouraged my desire for more knowledge. She passed away before seeing this dream of mine come true but I have felt her spirit with me throughout all of my classes and while I wrote this dissertation. I thank my father for all of his constant encouragement and love. When I would feel sad and defeated, he would lift me up by reminding me of my childhood statement of “Me can do it!” He always said that I said that and darn if I could do it.

Thank you both for your love and support, you have always been my wonderful parents.
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I would like to acknowledge my grand dissertation chair, Dr. Susan Bon. From the beginning, she said that if I stuck to it she would stick with me. Well, we did it!

Also, I want to acknowledge my wonderful friends and colleagues at church and at work. They have all shown great interest and enthusiasm about my endeavors along with their prayers and concern for me during this entire adventure. I thank you for this.
ABSTRACT

This is a qualitative multiple case study of two religious-affiliated, independent schools in Trippler, South Carolina. The topic of this study is Effects of Federal and State Bullying Laws on Religiously Affiliated Schools. The research was comprised of open-ended questions posed to individuals involved in the disciplinary actions of the students at the two schools.

This study shows that the religious-affiliated, independent schools consult many different entities to develop and formulate their policies. As both schools stated, their handbook of policies is a living document that can and will change as society changes, necessitating the evolution of their policies. They are not bound to the secular rules but do attempt to stay abreast of those rules and stay within the boundaries for liability standards.

Analysis of all data revealed four common themes that were compiled from document review, interview analysis, and environment observations. The themes were faith, respect, restorative, and safety. Limitations and suggestions for further research on this topic are provided in the Conclusion.
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CHAPTER 1

INTRODUCTION

On April 20, 1999, two male students walked onto the campus of Columbine High School armed with two pistols, two shotguns, 99 explosives, and four knives. They killed 12 and wounded 24 people before they turned their weapons on themselves. Investigators later identified bullying as a significant contributing factor to the horrific massacre (Greene & Ross, 2005). The two students, Eric Harris and Dylan Klebold, committed their rampage as an act of support for victims of peer bullying. Harris stated on a homemade video that the Columbine act would cause bullied students to revolt against their perpetrators (Larkin, 2009).

According to Larkin (2009), the Columbine shooting has contributed to many of the subsequent school shootings in several ways. First, Harris and Klebold provided a plan for successfully executing a school shooting. Second, their success inspired school shooters to exact revenge for past wrongs, humiliations, and social isolation. Third, they established a record of bloodshed (body count) that others seek to exceed. Fourth, Harris and Klebold have attained an almost mythical status among students who feel like social outcasts. This has led perpetrators of subsequent shootings to honor and emulate them (Larkin, 2009).

The Columbine tragedy had a profound impact on American society. Although a number of bullying incidents pre-date this one, it forced authorities to begin to consider bullying a serious challenge facing children nationwide. Dowd, Singer, and Wilson
(2006) concluded that school children are fearful of similar incidents occurring in their schools. Furthermore, before Columbine, our society was unwilling to examine the impacts of bullying or the severe retaliatory actions of children against each other (Dowd et al., 2006). Following Columbine, a plethora of research was conducted that focused on the public-school systems along with the development of legislation targeting bullying (Alley & Limber, 2009; Blodget, 2012; Brookshire, 2014; Bryn, 2011; Campbell, 2011; Colton, 2009; Cornell & Limber, 2015; Edmondson & Zeman, 2011; Fein, Vossekuil, Pollack, Borum, Modzeleski, & Reddy, 2002; Holben & Zirkel, 2014; Kueny & Zirkel, 2012; Larkin, 2009; Limber & Small, 2003; Stuart-Cassel, Bell, Springer & Office of Planning, E.,2011; Terry, 2010; Vessey,2004). Anti-bullying legislation, however, typically does not criminalize bullying but instead encourages schools to define bullying, establish policies, report bullying incidents, and sanction students who engage in bullying (Greene & Ross, 2005).

Among school-age children and adolescents, there has also been a rise in suicide, which is directly connected to persistent bullying (Marr & Field, 2001). Bullies often torment their prey for weeks, months, or years until the anger built up inside the target becomes uncontainable and explodes into violence. Their moral integrity and heightened emotional maturity lead almost all targets of bullying to direct anger at themselves. This self-directed anger often results in depression, self-harm or suicide (Marr & Field, 2001).

In recent years, researchers studying suicide prevention coined the term “bull(y)cide. This term was coined in 2001 by journalist Neil Marr and Tim Field in the book, Bullycide: Death at Playtime. Bullycide refers to someone who chooses suicide to escape repeated bullying. It is a term with which school administrators have become all
too familiar as they implement suicide prevention programs along with bullying prevention programs (Poland, 2011). One way to prevent bullycide is to create an environment that encourages bullying victims to come forward and speak out about their abuse. Victims and observers need to feel assured that those in authority will take their concerns seriously and diligently address claims. Policy alone is not enough; the policy must be integrated into the school culture. Schools still find it difficult to create a culture free of psychological violence when beyond their premises lurks a society that prefers to turn a blind eye. An anti-bullying policy must be more than words on paper (Severance, 2003). The presence of a policy may satisfy the legal requirement, but the spirit is only satisfied by the commitment to make it work.

Unfortunately, many targets of bullying who come forward are dismissed or even punished for doing so. They are afraid of being seen talking to a teacher as this will likely lead to reprisals from the bully. However, without accurate reports of bullying activity and ongoing documentation of continued bullying incidents, even the best intentions of administrators are thwarted. Schools may report that complaints have been investigated but usually those who investigate have not been trained in bully awareness (Nixon, 2014). To investigate a bully requires knowledge of a mind that enjoys tormenting others and in the case of bullycide enjoys it to the point of tormenting to death (Marr & Field, 2001; Severance, 2003).

The majority of bullying incidents researched have been in the public-school arena. Neither the professional literature nor the federal reports provide in-depth reviews about bullying incidents in religious-affiliated independent schools. Given this void in the research, there are many questions unanswered about bullying in the religious-affiliated
independent schools. For example, did the Columbine incident and bullying research similarly influence or help shape the religious-affiliated independent school system’s policies and procedures? Did state and federal legislation influence the actions of the religious-affiliated independent schools concerning bullying? If not, how are religious-affiliated independent schools’ policies and procedures shaped?

**Research Purpose**

The purpose of this qualitative research study was to determine how religious-affiliated independent schools have responded to the bullying epidemic. What policies have these schools adopted and implemented? How are these policies enforced and how were they developed? Given the lack of research about bullying in religious-affiliated independent schools, the answers to these questions will fill an existing void and may provide useful guidance to other religious-affiliated independent schools seeking to adopt bullying policies.

Documentation demonstrates the influence of federal and state bullying and cyber-bullying laws on the policies and procedures adopted by public schools (Barone, 1997), but it is unclear whether these federal and state laws impacted religiously affiliated independent schools. This research study focused on two religious-affiliated independent schools located in Trippler, South Carolina. In particular, I examined how federal and state laws are interpreted and explored whether these laws guide the development of bullying policies at a local independent Catholic school, and an independent Christian school. For purposes of this study, independent schools shall refer to any independent or

1 The town, the schools, and the individuals will be identified by pseudonyms to protect their identities.
This study focused on middle school students because evidence suggests that this age group experiences higher rates of bullying (USDOE, 2014). The study also included specific questions to determine how religious-affiliated independent schools enforce bullying and cyberbullying policies and procedures.

As noted in Significance of the Study section, and more fully discussed in Chapter 2, current research on bullying in schools does not distinguish between public and independent schools. There is a significant void in knowledge about how independent schools, particularly religious-affiliated schools, address bullying incidents in their schools. The following research questions guided this study in an attempt to fill this void in the literature.

**Research Questions**

This study researched bullying policies and procedures in two religious-affiliated independent schools in Trippler, South Carolina, (Mountain of Trust Christian School and St. Andrews Catholic School). Independent schools are not obligated to follow state and federal laws, which necessitated investigating how the state and federal laws have influenced the religious-affiliated independent school’s policies and procedures. The following three research questions guided data collection for this study:

- How have federal and state laws about bullying influenced the policies and practices adopted by religiously affiliated independent schools?
• How has the bullying prevention research influenced the adoption of bullying policies and procedures by religiously affiliated independent schools?

• How are bullying policies and procedures conveyed and enforced by the religiously affiliated independent schools?

Significance of the Study

Although government reports and several articles have examined the policies, laws, and bullying incidents in public schools (United States Department of Education, 1998; Dulmus, Sowers, & Theriot, 2006; Federal Partners in Bullying Prevention, 2014), research about bullying in private or independent schools is limited. In fact, of the few studies that address independent schools and bullying issues, the authors focused on cyberbullying and only mentioned the impact on independent schools in a footnote (Calvoz, Davis, & Gooden, 2013). In light of the limited focus on the influence of federal and state bullying laws on the independent schools’ bullying policies, this study could offer valuable insights to independent schools.

This study reviewed the bullying issue and identified the various forms of bullying as depicted in the literature. The overarching purpose was to understand how independent schools are responding to the adoption of bullying policies and procedures. For purposes of clarity, several key terms used in this study are defined according to customary usage or the relevant research literature.

Definitions of Key Terms

For the sake of clarity, defining key terms is necessary: bullying, electronic bullying, fighting, harassment/ intimidation, horseplay, independent school, relational aggression, school climate, teasing and victimization.
Bullying occurs when a student is exposed repeatedly and over time to adverse actions on the part of one or more students. These adverse actions include physical contact, words, mean gestures, and cruel gossip (Moore, Huebner, and Hills, 2012; Olweus, 1997). These actions also include electronic interactions between students. The intent is to be harmful to the intended victim and premeditated by the one doing the bullying. Bullying may take place on the school grounds or away from the school grounds (Olweus, 1994).

Electronic bullying is a type of bullying that has been called cyber-bullying or online social cruelty. Electronic bullying can occur via email, instant messaging while using cell phones, or other paths for social media such as websites, and in chat rooms (Moore et al., 2012). Electronic bullying is “defamatory, constitutes bullying, harassment or discrimination, discloses personal information or contains offensive vulgar or derogatory comments” (Moore et al., 2012). Cyber-bullying may be the most prevalent form of all the bullying forms (as cited in Moore et al., 2012). Cyber-bullying has now become the new playground that can continue after the student leaves the school property. This type of bullying can be anonymous and can take place at any time, while physical and direct verbal bullying can only take place during school. Cyber-bullying is most prevalent in middle school and less common in high school (Moore et al., 2012). Cyber-bullying is a growing form of bullying that I will explore more fully in Chapter 2.

Harassment, intimidation or bullying are terms use to describe the following:

… a gesture, an electronic communication, or a written, verbal, physical, or sexual act that is reasonably perceived to have the effect of (a) harming a student physically or emotionally, or damaging a student’s property, or placing a student
in reasonable fear of personal harm or property damage; or (b) insulting or demeaning a student or group of students causing substantial disruption in, or substantial interference with, the orderly operation of the school (Terry, 2006, pp. 96-97).

Horseplay is an activity that is often confused with bullying. Gamliel, Hoover, Daughtry, & Imbra (2003) found when young men are bullied, they tend to exhibit signs of horseplay or “to give back” the teasing, but female students seek to begin a conversation as to why the bullying is taking place. Horseplay is considered harmless. Research has determined that bullying occurs when horseplay goes too far (Gamliel et al., 2003).

Independent schools are private and religious schools and, within this research, replace such terms as private, religious, or parochial. The three associations (National Association of Independent Schools (NAIS), Southern Association of Independent Schools (SAIS), and South Carolina Independent School Associations (SCISA) of which all of the schools used in this research are members, use this term to describe the member schools.

Teasing is a verbal interchange that can be hurtful and often describes horseplay and bullying. There is no line clarifying where the teasing ends and bullying begins (Gamliel et al., 2003). Olweus defined teasing as usually involving two or more friends who act as one, and it appears to be fun by all those involved. Two or more friends may tease each other without any physical or emotional harm (Olweus, 1997).

Victimization occurs when horseplay has crossed the victim’s boundaries, and they no longer want to participate. Signs of victimization are withdrawal, dislike of
school, depression or avoidance of using the computer (Moore et al., 2012). The National Crime Victimization Survey defined victimization as a direct personal experience of threats or harm and included knowledge of or witness to an incident of bullying (Nolin, Davies, & Chandler, 1996).

**Organization of the Study**

Given the multiple case study design, this dissertation has a seven-chapter format. Chapter 1 introduces the context of the study, the problem statement, the purpose of the study, the research questions, definitions, and organization of the study. Chapter 2 provides an overview of related literature and research to establish and support the need for research on bullying policies and procedures in independent schools. Methodology and procedures used in collecting and analyzing data for the study appear in Chapter 3. Chapters 4: Case Study of Mountain of Trust School and Chapter 5: Case Study of St. Andrews Catholic School present analysis of the data gathered through interviews, document review, and notes collected through observations. The document review included an overview of the schools’ histories, policies, and procedures. Chapter 6 provides a cross-case analysis of the two schools along with a summary of the critical findings of the study, a discussion of the findings, implications derived from the findings, the limitations of the study, and recommendations for further research.
CHAPTER 2:
PURPOSE OF THE STUDY

Bullying has been a recurrent theme in schools and among children for much of documented history (Allanson, Rawlings, & Notar, 2015). As Hymel and Swearer (2015) point out, school bullies are prominently featured in classical literature by authors, such as in Charles Dickens. The existence of bullying as a childhood rite of passage seems to have emerged as a normalized phenomenon (Allanson, et al., 2015). In fact, Allanson et al. (2015) identify bullying as a conditioned response to a capitalistic society that emphasizes competition and asserts that the social impact and the definition of bullying have evolved over the years. Additional research will contribute to the body of literature that addresses the implications of bullying.

Research into the causes and implications of bullying did not begin until the 1970s (Olweus, 1978). Since the Columbine High School incident in 1999, research in both the media and academia has increased focus on bullying (Jimerson, Swearer, & Espelage, 2010; Smith, Pepler, & Rigby, 2004; Swearer, Espelage, Vaillancourt, & Hymel, 2010). Due to the innovative work of Olweus (1978; 1991; 1993; 1994; 1996; 1997; 1999; 2001; 2003; 2012; 2013), experts now see bullying as an act related to interpersonal aggression.

Olweus (1978) defines bullying as being intentional, repetitive, an imbalance of power, and an abuse of power. The Centers for Disease Control (2014), the American Psychological Association (2007), and the National Association of School Psychologists
Morita (1999); and Vaillancourt, Hymel, & McDougall (2003) support Olweus’
definition. According to a student survey conducted by Vaillancourt et al. (2003), the
difference between bullying and aggression is often unclear. For example, when students
discuss bullying, they do not use the formal definition. In response to this dilemma,
researchers have sought to provide a definition of bullying for students to use during the
assessment (Hymel & Swearer, 2015).

Hymel and Swearer (2015) voiced many of the concerns held by school personnel
because bullying victims are more prone to exhibit signs of low self-esteem that leads to
depression and suicidal thoughts. Those same students have problems gaining friends and
feel humiliated because of their schoolmates’ awareness of the bullying. These students
are more prone to becoming addicted to drugs and alcohol. Due to all these factors,
victims tend to skip class more than their peers who do not experience bullying.

Educators have recommended several solutions, such as developing and enforcing anti-
bullying policies, giving notice of those policies to parents and students, offering staff
development to address frequency, and implementing student anti-bullying programs to
increase student reporting of incidents.

As indicated earlier, extensive research (Jimerson, et.al. 2010; Smith, et.al.2004;
Swearer, et al., 2010) has examined bullying in public school settings. Yet, over the past
nearly two decades, research focused on bullying issues in independent schools has been
primarily conducted by doctoral students completing their dissertation research. Three of
the four studies conducted involved student surveys, and the fourth dissertation used a
mixed methods research design. Del Principio (2012) surveyed high school males at a
single-sex, Catholic High School; Graham (2002) surveyed an independent middle school
with a pre-dominantly Caucasian student body; Osborne-Oliver (2008) surveyed female elementary students at a single-sex, private school, and Ryan (2011) surveyed one private and one public middle school.

One of the most tragic impacts of bullying is evident in the ever-increasing numbers of school shootings that have occurred in the last 10 years where the shooter, like the Columbine shooters, were bullied. Some of the most high profile school shootings occurred at Townville Elementary School (Cox, 2018), Sparks Middle School (2013), Arapahoe High School (Marinez & Wilson, 2013), Freeman High School (Kamrowski, 2017), Santa Fe High School (Hobbs, Frosch & Calvert, 2018), and Stoneman Douglas High School (Ocner & Brown, 2018). In June of 2018, Zachary Cruz, the younger brother of Nicholas Cruz, who was the shooter in the Stoneman Douglas High School massacre, started an initiative to create anti-bullying student chapters at schools across the country to help combat the bullying and isolation of teenagers so that what happened at Stoneman Douglas High School would not happen again (Florida school shooting suspect’s brother, 2018).

Another result of bullying is the rise in teen suicides linked directly to bullying. Among those children who have been lost to bullying are Ryan Halligan, age 13 (“States Pushing for Laws, 2007); Tyler Long, age 17 (DuBreuil & McNiff , 2010); Carl Joseph Walker Hoover, age 11 (Bierman, 2010); Ty Smalley, age 11 (Crawford, 2018); Katelyn Davis, age 12 (Myrick, 2017); Jadin Bell, age 15 (“Jade Bell, Gay Oregon Teen”, 2016); and Phoebe Prince, age 15 (Heslam, 2010). Many of these children’s parents and loved ones, who were left devastated by their deaths, were motivated to introduce or change state
legislation related to bullying. In some instances, the children’s stories have been used as a tool for teaching about the harms of bullying.

Ryan Halligan’s suicide pushed Vermont legislators to establish laws concerning cyber-bullying (Norton, 2007) and was the subject of an episode of PBS television show called Frontline (2007).

Tyler Long’s suicide was the impetus for the 2011 documentary movie, Bully (Hirsch, 2011). The film documents the lives of five teenagers and the varieties of bullying or harassment that they endured over the course of an entire school year. It detailed the painful lives of bullied children and highlighted the fact that bullying crosses all geographic, racial, ethnic, sexual orientation, gender, and economic lines. The movie examines the reactions of teachers and administrators that use the cliché of “kids will be kids” along with the growing concern of parents and classmates who want to handle bullying in both school and society. The first story of the film is that of Tyler Long. Tyler’s father speaks to us about his son’s social issues and how he knew early on that Tyler might be the object of bullying because he suffered from Asperger’s Syndrome. Mr. Long mentioned that kids took his clothes when he showered, forcing him to leave naked. They shoved him into lockers and demoralized him verbally as well. Tyler’s parents believe that this bullying led him to commit suicide in 2009 at the age of 17. His mother found him hanging in his closet with a note on the bed.

The suicide of Phoebe Prince in 2010 helped to push the Massachusetts legislature to pass anti-bullying laws and to organize a task force to investigate bullying incidents. Eric Mohat, was asked openly in class by his bully, "Why don't you go home and shoot yourself; no one will miss you?" In April 2009, Eric decided to do just that and shot
himself. His parents have filed a lawsuit in federal court, saying that their son endured name-calling, teasing, constant pushing and shoving and hitting in front of school officials who should have protected him. Jadin Bell’s 2013 suicide was highly publicized because it stemmed from sexual orientation. Accounts of her death were published in several media outlets – *The Huffington Post* (2013), *Salon* (2013), *Raw Story* (2013), *GLAAD* (2013), *PQ Monthly* (2013), and *PinkNews* (2013).

**Bullying Data**

In May 2015, the U.S. Department of Education’s National Center for Education Statistics reported that bullying among middle and high school students decreased from 28% to 22% over a nine-year period. That statistic is part of a U.S. Department of Health and Human Services (HHS) report aimed at illustrating the results of community efforts to curb bullying. The USDOE and HHS established the *StopBullying.gov* website (Federal Partners in Bullying Prevention, 2014) to fight cyber-bullying along with the more common forms of bullying, both physical and verbal.

To set the stage for the American Psychologist Association’s special feature on bullies and victims, Hymel and Swearer (2015) provided an overview of 40 years of research on bullying. They looked at definitions and assessment issues with data concerning prevalence and forms of bullying. They found that most researchers endorse the work of Olweus for guiding bullying prevention program development. Further, they reported that across all of the articles reviewed, the distinction between bullying and other forms of aggression has become blurred. In fact, students, when asked, could not explain the differences between bullying and other forms of aggression.
Although self-reporting bullying by the victim has been the most common method of documenting bullying, peer assessment of bullying is an increasingly popular method used by researchers (Hymel & Swearer, 2015). Peer assessment shows that peers are present for 85% of the bullying incidents. “Serial Bullies” (students who bully more than one student) were reported through the peer assessment bullying data collection in 70% of the victim reports.

Hymel and Swearer (2015) reported a wide gap in bullying reports across several studies: 10% to 33% of students reported victimization by peers, but only 5% to 13% of students admitted bullying others (Cassidy, 2009; Dulmus, Sowers, & Theriot, 2006; Kessel Schneider, O’Donnell, Stueve, & Coulter, 2012; Nansel, Overpeck, Pilla, Ruan, Simons-Morton, & Scheidt, 2001; Perkins, Craig, & Perkins, 2011; Peskin, Tortolero, & Markham, 2006). Cook, Williams, Guerra, Kim, and Sadek (2010) and Olweus (1993) found that more boys report bullying while more girls report victimization. Researchers found that bullying in school is most prevalent in the middle school years and declines in the high school years (Currie, Zanotti, Morgan, Currie, De Looze, Roberts, & Bamekow, 2012; Espelage & Swearer, 2003; Vaillancourt, McDougall, Duku, Cunningham, Cunningham, & Short, 2010).

Research shows a decrease in physical bullying in the 21st century in the U.S., from 22% to 15%, but cyber-bullying increased from 6% to 11% (Finkelhor, Turner, Ormrod, & Hamby, 2010; Jones, Mitchell, & Finkelhor, 2013). These statistics support the hypothesis that cyber-bullying is becoming more prevalent due to the increase in access to technology (Hymel & Swearer, 2015). Hymel and Swearer (2015) also reported
that physical and cyber-bullying are the primary concern of parents and educators, but that social and verbal bullying are more common forms of bullying.

Vaillancourt et al. (2010) asked students about their experiences with physical bullying, verbal bullying, social bullying, and cyber bullying. According to their study, students reported they experienced the following bullying incidents: 31% physical bullying, 12% cyber-bullying, 51% verbal bullying, and 37% social bullying. Additionally, studies show that boys gravitate toward physical bullying more often than girls (Björkqvist, Lagerspetz, & Kaukiainen, 1992; Cook et al., 2010), while girls tend to engage more in verbal and cyber-bullying (DeVoe & Bauer, 2011; Vaillancourt et al., 2010). Cyber-bullying is one form that combines verbal and social bullying, making it open to all definitions (Gladden, Vivolo-Kantor, Hamburger, & Lumpkin, 2014; Olweus, 2013; Smith Cowie, Olafsson, Liefoojhe, Almeida, Araki, & Wenin, 2002).

After reviewing teacher conference reports, several researchers reported that parents are not fully aware of what is happening in the school (Cornell & Brockenbroug, 2004; Craig, Pepler, & Atlas, 2000). These researchers reported that teachers do not witness the actual bullying incidents, and some even choose to ignore bullying when they do witness it. These researchers, as well as others, primarily focused on public schools, not on independent schools (Bibou-Nakou et al., 2012; Moore, Huebner, & Hills, 2012; Nolin, Davies, and Chandler, 1996). One possible reason that studies have focused on public schools is because independent schools are not subject to most state laws regarding bullying.

Although state-level data may not be addressing independent school systems, the National Center for Education Statistics (NCES) data collection efforts do include
independent school systems. The NCES measured and tracked bullying in all school systems. They surveyed students concerning bullying and cyber-bullying in schools and documented the various characteristics that affect bullying (NCES, 2015). According to the NCES report, the total occurrences of bullying decreased steadily each year: 28.1% in 2005, 31.7% in 2007, 28% in 2009, 27.8% in 2011, and 21.5% in 2013 (NCES, 2015). The NCES reported that female students experienced the highest percentages of bullying: 29.2% in 2005, 33.2% in 2007, 29.5% in 2009, 31.4% in 2011, and 23.7% in 2013. These statistics indicate bullying among female students has decreased.

Although the NCES study included private and Catholic school students in the bullying survey, the results do not differentiate between secular, religious, or special education private schools. Nonetheless, their survey of 25 million children is the most comprehensive examination of bullying in schools across the country and it distinguished between cyber-bullying and other forms of bullying.

As the NCES data revealed, bullying across public, private and parochial schools affects nearly a fourth of the student population. Bullying incidents are on the rise as can be seen from the Indicators of School Crime and Safety: 2017 article published by the National Center for Education Statistics. It found that about 21% of students aged 12–18 reported being bullied at school during the school year. Of students aged 12–18, 13% reported that they were ridiculed, called names, or insulted; 12% reported being the subject of rumors; 5% reported that they were pushed, shoved, tripped, or spit on; and 5% reported being excluded from activities on purpose. This did not include the 4% of students who reported being threatened with harm, 3% who reported that others tried to make them do things they did not want to do, and 2% whose property was intentionally
destroyed by others. With these statistics from 2015, a higher percentage of female students than male students ages 12–18 reported being bullied at school during the school year along with being the subject of rumors. On the other hand, more male students than female students reported being threatened with harm.

Reported instances of bullying vary by the students’ ethnicity. A higher percentage of Black and White students reported being bullied at school than Hispanic students in 2015. According to NCES (2015) data, students who self-identified as Other reported more instances of bullying (25.2%) than other groups. Of the White, Non-Hispanic/Latino students surveyed, 23.7% reported experiencing bullying. Of the Black, Non-Hispanic/Latino students surveyed, 20.3% reported experiencing bullying. Those identified as Asian reported the lowest percentage (9.2%).

The percentage of students who reported being ridiculed, called names, or insulted was also higher for Black students (17%) and White students (14%) than for Hispanic students (9%). The percentage of students who reported being the subject of rumors was higher for Black students, White students, and Hispanic students than for Asian students. A higher percentage of students in grade six reported being bullied at school during the school year with the second highest being those in grade seven (Musu-Gillette, Zhang, Wang, Zhang, Kemp, Diliberti, & Oudekerk, 2018).

When examining cyber-bullying, the statistics changed dramatically. Students who self-identified as Other reported more instances of bullying (13.4%) than other groups. Of the White, Non-Hispanic/Latino students surveyed, 7.6% reported experiencing bullying. Of the Hispanic/Latino and Asian students surveyed, these groups
reported the same percentage (5.8%). The lowest percentage (4.5%) was reported by those identified as Black, Non-Hispanic/Latino students.

The student’s grade level also influenced the number of bullying incidents. The study found that students in the sixth grade had the highest number of incidents (28%) while those in the tenth grade had the lowest number of incidents (19%). The incidents in the middle school grades did not change significantly – seventh grade (26%), eighth grade (22%), and ninth grade (23%). Meanwhile, cyber-bullying had an inverse relationship to grade level. Tenth grade students had the highest percentage of cyber-bullying incidents (8.6%) and the seventh grade had the next highest percentage (7%). The grade with the lowest percentage of incidents was the sixth grade (5.9%). The eighth grade (6.4%) and the ninth grade (6.7%) are almost identical in their number of instances of cyber-bullying.

NCES (2015) data collection efforts confirm that bullying continues to be a concern of students in public schools, but these reports reveal that there is minimal data concerning independent schools. Given these ongoing concerns about bullying, the following section seeks to explain the historical aspects of bullying.

**Bullying Research**

**History of Bullying Research**

Heinemann (1972) drew attention to the practice of mobbing, which translates into English as bullying, within Norwegian schools and linked the behavior to the misery inflicted upon the victims. His research laid a foundation for a more detailed investigation undertaken by Olweus (1978). Olweus focused in particular on the existence of aggressive traits in some boys in the countries that make up Scandinavia –
Norway, Sweden, and Denmark. Along with Mykletun (1979) and Roland (1980), Olweus emphasized the link between bullying and traits of low self-esteem, reduced self-confidence, and below-average academic ability. According to Olweus (1991), the media began paying attention to bullying in the 1980s and expanded the discussion of bullying during that decade. In the 1980s and 1990s, research on the phenomenon of bullying became more common in Europe, and the U.S. Olweus (1978) defines bullying as when a student “is exposed, repeatedly and over time, to negative actions on the part of one or more other students” (p.2). Olweus’s definition features three specific attributes: 1) bullying is aggressive behavior accompanied by harmful actions; 2) bullying is a repeated pattern of behavior, and 3) an imbalance of power and strength exists. Olweus also describes bullying as peer abuse and defines harmful actions as physical contact, words, mean gestures, and cruel gossip. According to Olweus, teasing is friendly and playful, but when teasing becomes repetitious and humiliating, it then becomes bullying (Olweus, 1997).

There are three commonly-held myths about bullying. The first is that bullying is a result of large class sizes. Olweus surveyed 130,000 Norwegian students in the first through ninth grades concerning bullying and its effects. After looking at 700 Norwegian schools, Olweus concluded that class size did not influence the phenomena of bullying. The second myth is that bullying stems from grade competition and the fear of failure. Results of Olweus’s (1997) study neither substantiate nor disprove this assertion. The third myth is that bullying happens only to the students who have physical differences (i.e., the overweight student, the student who wears glasses). However, data does not support this myth either. The data shows that the most significant factor in bullying is the
teachers’ attitude and behavior rather than the students’ personality characteristics. If the teacher ignores the bullying actions in the classroom, the bully will continue to victimize the other student, but if the teacher acknowledges the bullying actions and attempts to stop it, the bully will cease to victimize the other student (Olweus, 1997).

Olweus (2003) identifies nine types of bullying: verbal, social isolation, physical, spreading lies, stealing others’ possessions, threatening, racial, sexual, and cyber. Cyber-bullying includes bullying through email, instant messaging, chat rooms, website posts, or digital imagery (Olweus, 2012). Cyber-bullying is “an aggressive, intentional act carried out by a group or an individual, using electronic forms of contact, repeatedly and over time against a victim who cannot easily defend him or herself” (Smith et al., 2008). Given the unique characteristics of cyber-bullying and the possible limitations on the responses or authority that schools may have regarding this form of bullying, an overview and discussion of this evolving form of bullying follows in a separate section below.

The gender of the bully and the victim influences the type of bullying that occurs. Young men are more prone to physical bullying, but young women tend to prefer more indirect forms of bullying, such as emotional abuse, verbal abuse, or spreading rumors. Cyber-bullying is more prevalent among females than males, who often bully in person. Neiman, Robers, and Robers, (2012) reviewed the School Crime Supplement data and found that more female than male students reported bullying. According to the data, the bullying occurrences decrease as the student progresses through school. The statistics also show that schools with less structure and supervision report more bullying incidents, as well as alcohol abuse and criminal activity among the students.
Many researchers consider Olweus to be the foremost authority on bullying because of his extensive research and countless publications (Bibou-Nakuo, 2012; Edmondson & Zeman, 2011; Gamliel, Hoover, Daughtry, & Imbra, 2003; Glover et al., 2000; Grigg, 2010; Hinduja, 2011; Kowalski, Limber, & Agatston, 2012; Limber, 2003; Moore et al., 2012; Neiman et al., 2012; and Nolin et al., 1996). Though most of his work focused on international settings, Olweus has influenced research in the United States.

**Bullying Research in the United States**

In the U.S., bullying is a form of victimization. For example, Nolin et al. (1996) describe three forms of student victimization: bullying, physical attacks, and robbery. Nolin et al. (1996) reference the National Crime Victimization Survey which defines victimization as a direct personal experience of threat or harm and expands it to include incidents of bullying or knowledge of incidents of bullying or witnessing a crime. The survey’s definition of victimization included bullying instead of separating the two terms.

Most students (71%) in grades 6-12 report knowledge of bullying at their school. Nolin et al. (1996) report that 56% of the students in grades 6-12 stated that bullying was the most prevalent form of victimization in their schools. The survey reveals that elementary and junior high school children worry about victimization more than high school students. Nolin et al. (1996) propose that the type and size of school the student attends are factors affecting the likelihood of exposing a student to crimes and threats at school. The findings of the same study show that race and racial composition did not affect the bully’s choice of victims.

Smith and Sharp (1984) define bullying as “systematic abuse of power” (p. 3). In differentiating between bullying and aggression, bullying features both a repeated action
and an imbalance of power between the bully and the victim (Farrington, 1993). Thus, bullying can include criminal assault, hate crime, extortion, and sexual harassment. Incidents of sexual harassment and other forms of discrimination can occur without an apparent imbalance of power. There is no requirement for a power imbalance in criminal acts that occur in the context of bullying. For example, a physical assault is an assault even if the target does not appear smaller or weaker. The question of a power differential might be regarded as superfluous in such cases when harm to the victim is apparent. Identifying this imbalance of power is necessary for distinguishing bullying from other forms of aggressive behavior (Cornell & Limber, 2015).

Finkelhor et al. (2010) suggest that to define bullying, the researcher must look beyond an imbalance of power or the repeated actions and into peer victimization. Teasing, while considered friendly and playful, can become a form of bullying if it is repetitious and humiliating (Olweus, 1997). Olweus (2003) argues that in defining bullying, an investigation into aggressive behavior is essential. Both involve harmful actions toward another individual physically, verbally, or in indirect ways. Olweus categorizes bully/victim situations as individual or environmental (Olweus, 2003). According to Olweus (1993), “[a] person is being bullied or victimized when he or she is exposed, repeatedly and over time, to negative actions on the part of one or more persons” (p. 9). According to Hoover and Oliver (1996), this definition frequently appears in professional literature but they expand on the Olweus definition by explaining adverse actions as those planned to cause harm or embarrassment to another person through physical attacks or verbal attacks that can result in psychological damage.
According to the U.S. Government Accountability Office (GAO) report to Congress (2012), Olweus made a distinction between bullying and conflict. Conflict is an altercation between two children who are of the same size. Conflict becomes bullying when it becomes physical or causes harm using verbal assaults. Teachers, parents, and students can confuse conflict and aggression with physical and cyber-bullying because they share similar characteristics such as hitting, shoving, name-calling, rumor spreading, isolation, and hurtful words - which students inflict for no apparent reason (United States GAO, 2012).

**Cyber-Bullying.** Cyber-bullying, which has emerged in recent years, is the use of electronic devices and social media to bully (as cited in Stanton & Beran, 2009). Cyber-bullying takes many different forms, including posting on social media sites and text messages, all of which aim to publicly humiliate an individual (Cornell & Limber, 2015). One reason for the growth of cyber-bullying by school children is that it does not require the victim to be present in a building or on a piece of property (e.g., playground), and the bullies can remain anonymous. The increase in teen suicides correlates to the increase in cyber-bullying because the victims cannot escape the bullying even when outside of school (Campbell, 2011). Gender, ethnicity, culture, age, race, or social groups do not have any bearing on the type of bullying that occurs (Allanson et al., 2015)

According to Moore et al. (2012) “cyber-bullying may be the most prevalent form of violence in the schools” (p.431). They found cyber-bullying more prevalent in middle school but less frequent in high school. This finding suggests the need for further study on cyber-bullying and its frequency in independent schools. Moore et al. (2012) state that cyber-bullying is the new playground that extends beyond school property. Unlike
bullying before the cyber age, which only took place during the school day, cyber-bullying can take place any day of the week and at any time of day. The increase in cyber-bullying is due in large part to the anonymity it offers the perpetrators. Kowalski et al., (2012) identify the following significant differences between traditional bullying and cyber-bullying:

- Anonymity, which causes more stress on the victim because the bully is unknown and causes the victim to behave differently than usual;
- Accessibility, in that it can be conducted at any time;
- Punitive fears of victims regarding the repercussions of reporting or loss of access to their computer; and
- Bystanders, with no limit to how many may witness the bullying.

There are six standard forms of cyber-bullying: harassment, denigration, flaming, impersonation, outing and trickery, and cyber-stalking (Kowalski et al., 2012). Harassment consists of messages that are rude, offensive and insulting (Kowalski et al., 2012). The definition of denigration is dissing, a slang term for disrespecting, someone on the internet and posting gossip and rumors about someone to isolate him or her and ruin his or her reputation and other friendships (Kowalski et al., 2012). Flaming is a cyberbullying behavior that involves fighting online using angry and vulgar language (Kowalski et al., 2012). Impersonation occurs when someone pretends to be someone else (Kowalski et al., 2012). This type of activity can be carried out online due to the allowance of anonymity in cyberspace (Kowalski et al., 2012). Outing and trickery occur when a bully posts an individual’s innermost thoughts or feelings (Kowalski et al., 2012). Cyber-stalking is sending messages that intimidate or threaten harm to an individual or
cause them to fear for their safety (Kowalski et al., 2012). Some forms of cyber-stalking, such as those that lead to a victim committing suicide, are illegal and can lead to arrest (Kowalski et al., 2012).

New terminology has arisen from cyber-bullying. One such example is happy slapping (Smith, Mahdavi, Carvalho, Fisher, Russell, & Tippett, 2008). Happy slapping occurs via phone calls, text messages, and picture/video clips that record a victim being slapped or made to appear silly by one person and filmed by another, with the resulting pictures circulating on mobile phones. Other types of cyber-bullying include using the internet to bully someone through emails, chat rooms, instant messaging, and websites. Some cyberbullying can combine the anonymity of the aggressor found in conventional indirect aggression with the targeted attack on the victim found in conventional direct aggression (Smith, Mahdavi, Carvalho, Fisher, Russell, & Tippett, 2008). Allanson et al. (2015) point out that instances of cyber-bullying are growing more rapidly than initially expected.

When considering how to respond to cyber-bullying, school administrators must be cognizant of the potential limits imposed on the regulation of this form of bullying by the First Amendment free speech clause. For example, school administrators need to be aware of where the bullying takes place (on or off campus), and should consider whether the computer used in the alleged bullying incident is student or school owned. The courts tend to consider the personal property to be under the purview of the parents to discipline and not the responsibility of the school. If cyber-bullying takes place on school grounds or via a school-owned computer, or if the cyber-bullying substantially disrupts the school
and interferes with educational rights (e.g., Tinker v. Des Moines, 1969), the courts tend to acknowledge the school’s ability to regulate the cyber-bullying (Conn, 2002).

How schools should regulate cyber-bullying is a legal problem not only in the U.S. but other countries as well. Campbell (2011), when examining cyber-bullying in Australian schools, reported that the Australian Supreme Court, in *Trustees of the Roman Catholic Church v Koffman* determined that if a bullying incident occurred at an off-campus bus stop, the school would be held responsible due to the bus stop’s proximity to the school grounds. The court then applied this precedent to rulings about cyber-bullying as well as issues arising when students created websites. For example, in one case a boarding school was held responsible when a group of girls had a third party create a website for their use in bullying another student (*Trustees of the Roman Catholic Church v Koffman*, 1997). However, when a student creates a website at home, the school is not held responsible. Likewise, if a student who has no ties to the school creates a website for students of a school, the school would not be held responsible (Campbell, 2011).

In their review of case law concerning policies and practices, Kowalski et al. (2012) found that legal analysis is limited to the public-school system and that only five states (including South Carolina) have bullying laws that specifically mention electronic bullying. The U.S. Department of Education (DOE) has requested that all states include a definition of cyber-bullying, either as part of their bullying law or as an additional law.

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2 A 12-year-old student of the Assumption Primary School travelled home each day by catching a school bus at a bus stop outside Bathurst High School. One day the student was taunting several high school students from the top of a tree. In retaliation they threw sticks and rocks at the student, injuring his left eye. The student launched a successful lawsuit against the school for failing to provide supervision at the bus stop.
Some states expanded the definition to include types of cyber-bullying and where the bullying takes place, with Massachusetts being the most detailed:

... bullying through the use of technology or any communication, which shall include, but shall not be limited to, any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in part by a wire, radio, electromagnetic, photo electronic or photo optical system, including but not limited to, electronic mail, internet communications, instant messages or facsimile communications. Cyber-bullying shall include (i) the creation of a web page or blog in which the creator assumes the identity of another person or (ii) the knowing impersonation of another person as the author of posted content or messages... Cyber-bullying shall also include the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons... (as cited in Kowalski et al., 2012, p. 196)

Several researchers concluded that cyber-bullying and traditional bullying stem from low self-esteem in children (Hinduja & Patchin, 2007, 2008, 2009; Hinduja & Patchin, 2010; Ybarra, Diener-West & Leaf, 2007; Ybarra & Mitchell, 2004). Additionally, researchers observe that cyber-bullying originates from individuals known to the victim, not strangers (Kowalski & Limber, 2007; McQuade & Sampat, 2008). Responding to cyber-bullying is challenging given the free speech implications and possible limits on school authority over online incidents that occur outside of school hours (Hinduja & Patchin, 2011).
Hinduja and Patchin (2011) assert that school personnel have a responsibility to restrict speech which creates a hostile environment for students. They also noted that schools are being held responsible for the behaviors of students using computers. Monitoring online activity is difficult for school officials because of limited reach beyond the school boundaries and free speech protections. Law enforcement officers are similarly reluctant to act in cyber-bullying cases unless there are apparent legal violations, such as stalking, true threats, or assault.

In 1996, Hoover and Oliver conducted research in the Midwest and found that middle school students were the best subjects for anti-bullying discussions. The authors also found that all forms of bullying incidents start after third grade and begin decreasing after the tenth grade, with the highest number of incidents occurring between fifth and eighth grades (Hoover & Oliver, 1996, p.10). When looking at gender and school level, Hoover, Oliver, and Thomson (1993) found teasing and ostracism to be the most common type of bullying among elementary and middle school girls.

Cyber-bullying can have severe consequences on students’ well-being and educational achievement (Ybarra, Mitchell, Wolak, & Finkelhor, 2006). It may have both short and long-term adverse effects on students, and many of the bullies are the same students engaged in face-to-face bullying (Severance, 2013). Short-term effects can consist of emotional harm, which leads to low self-esteem, anxiety, depression and social withdrawal. Long-term effects include depression, low self-esteem, and suicide (Severance, 2013). The anonymity associated with cyber-bullying makes it a popular and sometimes tricky form of bullying to address in public school settings (Ybarra, Mitchell, Wolak, & Finkelhor, 2006).
**Bullying Prevention Research**

One way to respond to bullying in school is by using the Olweus Bullying Prevention Program (OBPP) (Olweus & Limber, 2010). This program differs its approaches to match each developmental level of the children to create a safer learning environment while considering both the victim of bullying and the bully. Norway, the United Kingdom, and Germany have implemented the Olweus program. In the United States, Susan Limber and Gary Melton of Clemson University were the first to evaluate and implement the program (Limber, Nation, Tracy, Melton, & Flerx, 2004). The program includes an examination of the risk factors of school-age children. Those risk factors relate to the bully (impulsive, decreased interest in school, and dominate personality); the bully’s family (lack of parental supervision, overly permissive parents); peers (showing violent tendencies); and the school (indifferent teacher attitude to bullying). The program aims to modify behavior, train parents, counsel students, and adjust school curriculum to address the issues. Three levels of intervention are necessary to accomplish these goals: school-wide, classroom-level, and individual-level. The final policy must be one in which the students have a sense of ownership for them to be willing to adhere to it (Limber et al., 2004).

Four states tested the OBPP. South Carolina was the first state to conduct an evaluation of the OBPP in the United States in the mid-1990s, and that evaluation involved elementary and middle schools in six primarily rural school districts (Olweus & Limber, 2010). School officials found that self-reported antisocial behavior among students increased over time (Olweus & Limber, 2010). Pennsylvania evaluated the effectiveness of the OBPP in six large public elementary and middle schools in inner-city
Philadelphia over a four-year period (Olweus & Limber, 2010). Reports of bullying incidents decreased 45% over this period (Olweus & Limber, 2010). Washington state evaluated the OBPP using a nonrandomized controlled study with 10 middle schools (Olweus & Limber, 2010). Results demonstrated an overall positive program outcome on students’ perceptions that other students actively intervened in bullying incidents (Olweus & Limber, 2010). California evaluated the effectiveness of the OBPP in three elementary schools in a suburban community in southern California (Olweus & Limber, 2010). The researchers used a selection design to assess program effects over a 3-year period, based on anonymous surveys (the Olweus Bully/Victim Questionnaire) of students, teachers, and parents (Olweus & Limber, 2010). Self-reports of being bullied decreased 21% after one year and an additional 14% after two years; self-reports of bullying others decreased 8% after one year and 17% after two years (Olweus & Limber, 2010). After more than two decades, research has shown school-wide efforts to reduce bullying and build a feeling of community can reduce bullying (Olweus & Limber, 2010).

Other resources schools have turned to, such as the websites, *Steps to Respect* and *Stop Bullying Now!*, have been instrumental in spreading the message about the definition and dangers of bullying (Neiman et al., 2012). The website, *Steps to Respect*, was created and sponsored by the Committee for Children with the aim to help elementary children build friendships, and identify, rebuff, and report incidents witnessed. *Stop Bullying Now!* is a federally-funded program that distributes information gathered from various government agencies to teachers, parents and the community at large about ways to curb and prevent bullying (Neiman et al., 2012).
Philipson (2013) suggested another program. He found that school safety and security received most funding allocations. He suggested that the schools try peer mediation, which is an alternative to a disciplined approach, but inconsistency in this program has led to criticism. Peer mediation involves a certain amount of intellectual and emotional maturity, which most children lack due to their age. Mediation has come under criticism for use with bullying incidents because bullying focuses on domination and control, not interpersonal relationships, with which mediation is more compatible (Philipson, 2013).

Other agencies have moved toward using technology to address bullying. Utah school districts created, with the assistance of the law enforcement, a text line where students can anonymously report bullying. The text goes directly to police and all necessary personnel at the school. The U.S. Department of Health and Human Services put into motion a free app, KnowBullying, which students can download from the Substance Abuse and Mental Health Services Administration (SAMHSA). The DOE and SAMHSA developed a video, Bullying, Harassment, & Civil Rights: An Overview of School Districts’ Federal Obligation to Respond to Harassment (n.d. The Homeroom Blog), showing the school district’s federal obligation to respond to bullying or any form of harassment.

Espalage (2016) researched bullying prevention through a social-ecological perspective. This perspective looks at low social skills, and the research found emotional dysfunction was a predictor of bullying. The research stated that peers, teachers, and other adults relate to a student’s tendency toward bullying through individual actions and statements concerning bullying. In 2011, Espalage found that schools needed to
implement social-emotional learning (SEL) programs to prevent bullying. Espalage found that the schools that used the SEL had a significant reduction in aggression and victimization of middle school students.

Bradshaw (2015) researched the Olweus program along with several promising prevention programs. The Finnish KiVa Program provides classroom materials and discussions between students and teachers, peer support for student victims, disciplinary strategies, and information for parents to combat bullying (Bradshaw, 2015). KiVa is an acronym for Kiisaamista Vastaan, which translates to “against bullying” and kiva is a Finnish adjective for nice (Hutchings & Clarkson, 2015). Computer games serve as a tool to help students practice bullying prevention skills. This program has demonstrated significant impacts on bullying and victimization among students in grades 4–6. Only European schools have tested KiVa, although efforts to adapt the model for other countries, including the United States, are currently underway (Bradshaw, 2015). The program promotes social skills, such as making friends or supporting and protecting other students from victimization. Providing bullied students with friendship skills reduces their risk of being bullied, increases the likelihood of their acceptance, and makes students more likely to increase their empathy for their bullied peers. Empathy provides children with the foundations for friendships, conflict resolutions and social responsibility. Students possessing higher levels of empathy are typically more socially skilled, more liked by their peers, and less aggressive (Hutchings & Clarkson, 2015).

Programs aiming to prevent violence and disruptive behaviors and promote a favorable school climate, such as the Positive Behavioral Interventions and Supports Model. This model was initiated in 1997 and supported for 20 years by the Office of
Special Education Programs, US. Department of Education. It has been co-directed by the University of Oregon, and University of Connecticut, and the University of Missouri and utilizes a group of 25 technical assistance providers (Cornell and Bradshaw, 2015) The program can impact bullying and peer victimization, even if they do not explicitly target bullying behaviors. This program has produced significant impacts on teacher reports of bullying and rejection, as well as school climate and discipline problems. Social-emotional learning programs, such as the Promoting Alternative Thinking Strategies, and classroom management programs, such as the Good Behavior Game have demonstrated impacts on a range of aggressive-disruptive behavior problems, but these programs do not explicitly measure bullying (Cornell & Bradshaw, 2015) While the vast majority of bullying and violence prevention programs rigorously evaluated have used a universal classroom or schoolwide model, there is some evidence that more intensive programs can be useful at stemming aggressive behavior. The Coping Power Program targets aggressive youth and their parents, and it has demonstrated significant impacts on aggressive-disruptive behavior and social interactions, which would likely reduce rates of bullying (Cornell & Bradshaw, 2015).

Prevention programs help to a limited extent, but without backing from state and federal laws, the problem of bullying, along with resolving the problem of bullying is unlikely. As revealed by the research reviewed in this section, the Olweus Prevention Program is the most successful in reducing bullying in the United States school systems. Clearly, effective bullying prevention tactics exist, but it is not clear to what extent this research has influenced the religiously affiliated independent schools to adopt research-based policies and procedures. Along with the establishment of research-based
prevention programs in schools, school officials need to distinguish between harassment and bullying cases, which will be discussed in the next section.

**Distinguishing Between Harassment and Bullying**

While concerns about bullying are significant given the impact on students’ educational experience, schools must be aware of the potentially increased risks and harm when students are harassed, particularly students who belong to legally protected classes, such as ethnicity, sexual orientation, and disability. These protections exist primarily in federal civil rights laws. In brief, when an incident of bullying consists of targeting a child for being a member of a protected class, which includes race, disability, gender, national origin, or religious beliefs, federal anti-discrimination laws may be applicable because the behavior then shifts from bullying to harassment (Holben & Zirkel, 2014).

Holben and Zirkel (2014) explain that harassment involves discrimination against a student who is a member of a protected class, as stipulated by federal laws, while bullying involves targeting a student for reasons such as personal appearance, social interactions, and disposition. According to Holben and Zirkel (2014), harassment and bullying often do overlap. Therefore, they include in their research cases focusing on federal court cases about bullying in which the students claimed the bullying incidents violated their federal civil rights.

Holben and Zirkel (2014) contend that while growing up children will have a certain amount of negativity in their lives such as disappointment and teasing to deal with but for any of this to constitute bullying it must go beyond the usual teasing and fighting that occurs among children. In their research, they follow the definition of bullying as presented by Olweus, that it is intentional and aggressive behavior repeated over time.
with an imbalance of power. They define cyber-bullying as repeated and harmful through the use of electronic devices and include it as part of verbal and relational bullying.

Holben and Zirkel (2014) determined that bullying is a significant issue in education because victims experience a higher frequency of depression and low self-esteem. The victims have more difficulty making friends, suffer humiliation concerning the bullying, and are at higher risk for abusing drugs and alcohol. With all of this taking place in school, it gives greater responsibility for the school to work to prevent bullying. Children deserve a safe and secure learning environment.

Holben and Zirkel (2014) discovered that one of the contributing factors for the steady growth of bullying cases in the courts during the past two decades stem from the continued attention in the mass media and professional literature given to bullying cases. These factors have caused an expansion of the use of Title IX and the Fourteenth Amendment as the legal basis for bullying claims and the recognition of protected classes not explicitly stated in federal civil rights legislation. On the other hand, the recent expansion of state anti-bullying laws was not a direct contributor in light of their negligible frequency as a direct negligence theory, an indirect legal basis for the over 700 claim rulings. Moreover, the persistent unfruitful outcomes did not appear to dampen the frequency of this litigation. Perhaps the plaintiffs and their attorneys are ill-informed or, via the sensationalizing selective skew of the media, misinformed.

According to Holben and Zirkel (2014), the most frequent legal claims citing bullying incidents ended with rulings attributed to Title IX, Fourteenth Amendment substantive due process, Fourteenth Amendment equal protection clause, or negligence.
State legislation was used in these cases and usually consisted of civil rights law or equal protection under the state constitution.

**Federal Laws Related to Bullying**

The application of civil rights laws regarding harassment and bullying are limited; however beneficial to many students, these laws are limited in application. Federal civil rights laws do not protect all bullied students (General Accounting Office, 2012) because the laws specifically address discrimination against students who have protected class status. For example, Title VI of the Civil Rights Act of 1964, prohibits discrimination based on race, color, or nationality, while Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 2004, prohibit discrimination based on disability (General Accounting Office, 2012).

Section 504 of the Rehabilitation Act of 1973 guards against any form of discrimination based on disability if the program is receiving any federal financial aid. The school must submit paperwork to the Department of Education (DOE) that shows that their policies and practices meet all requirements of 504. If the DOE finds any of the school’s provisions lacking, the school must become compliant. If the school does not resolve the inadequacies, the student and family can file a lawsuit for violating Section 504 (Wilson & Gold, 2013).

In addition, Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex (20 U.S.C. §1681[a]). To prove a Title IX claim, the student needs to show the existence of a severe and pervasive hostile environment that interferes with the student’s education. Along with this, proof must be given that school personnel showed an intentional disregard for the victim’s reports of harassment.
Based on court cases to be discussed in the next section, students and parents have pursued bullying claims against schools through Title IX of the Education Amendment of 1972, Section 1983 of the Civil Rights Act, Section 504 of the Rehabilitation Act, the American with Disabilities Act, or the Individuals with Disabilities Education Improvement Act. States may want to consider the minimal protections established by federal laws when proposing state legislation. To address the issue of bullying and children with disabilities, the Individualize Education Plans (IEP) or 504 plans could incorporate recommendations such as the adoption of specific goals. The goals would focus on helping students develop appropriate social skills to enable the students to avoid being bullied or engage in bullying and that limit the effect of future bullying (Dieterich, DiRado-Snyder, & Villani, 2015).

Federal agencies increasingly offer incentives for schools to address school safety. For example, the U.S. Department of Health and Human Services initiated an approach to this with its “Take a Stand. Lend a Hand--Stop Bullying Now!” campaign, which addresses the growing occurrences of bullying in the schools (Limber & Small, 2003). The “Take a Stand, lend a Hand – Stop Bullying Now!” is a national public media campaign. It aims to raise awareness about bullying and to the right interventions for preventing or reducing bullying behaviors in youth 9-13 years old (Vessey, 2004).

In 2001, the No Child Left Behind Act (NCLB) included the Safe and Drug-Free Schools and Community Act (SDFSC, Title IV, Part A), which tied funding to school laws designed to keep students safe. The term, bullying, did not appear in the Act, but the law did support prevention efforts by requiring states to pass laws that mandated districts to adopt safety plans with consequences for bullying-related behaviors. In addition to the
NCLB Act, the rights of students with disabilities to be free from bullying were addressed legislatively in the Individuals with Disabilities in Education Act (2004).

The Individuals with Disabilities in Education Act (IDEA) required schools to apply the schoolwide code of conduct when disciplining all children, regardless of disability status, unless the behavior was determined to be a direct result of the student's disability or if the school failed to implement an individualized educational plan (IEP). This legislation included the Unsafe School Choice Option, which allowed students to transfer schools if the one they attended was classified as "persistently dangerous" or if the student was a victim of violence, including bullying.

The question of who should be held responsible for bullying and cyber-bullying is unclear given limited legal protections. No current federal laws address bullying; consequently, bullying victims, and their families are likely to be unsuccessful when they sue schools for damages if the victims do not receive protection under federal laws that explicitly prohibit harassment or discrimination against protected classes (Alley & Limber, 2009).

**Failed Federal Bullying Legislation.** Although there have been several attempts at legislation, including a law introduced by Representative Sanchez (D. Ca), H.R. 1957 to the 115th Congress on April 5, 2017, there is no federal law concerning bullying. The result is that the victim has to bring a civil lawsuit against the bully and the school by utilizing civil rights laws as the basis for the suit. Research is needed to determine whether state legislatures have been more successful than Congress on this issue. To be successful at the federal level, the law would consist of a uniform definition of bullying, policies, and data, and offer federal grants to aid with the installation of anti-bullying
programs in schools (The United States, 2012). The following synopsis provides a brief review of the failed legislative attempts.

The 113th Congress proposed five laws under the Safe Schools Improvement Act of 2013 to battle bullying. However, the legislature tabled each law. The first law proposed required states to ensure that local educational agencies introduce a policy to prevent and stop bullying and harassment, as well as address hostile learning environments. The law would require the collection of data from the states. The bill went to the Committee on Health, Education, Labor, and Pensions (S.403, 2013). The second bill, introduced by Representative Linda Sanchez (D, CA-38), would require local educational agencies to introduce a policy to prevent bullying and harassment, put an end to a hostile learning environment, and submit data to the Commissioner for Education Statistics (H.R.1199, 2013).

The proposed bill stipulated that parents were to be notified annually of any forms of conduct changes in the school’s discipline code, which must include references to bullying and harassment, and that the school or school districts establish a grievance process that is accessible to students and parents (Neiman et al., 2012). Finally, in 2013, Representative Sheila Jackson Lee (D. TX-18) introduced a bill designed to increase juvenile accountability. Her proposed statute, titled the “Juvenile Accountability Block Grant Reauthorization and the Bullying Prevention and Intervention Act of 2013 focused on:

(13) establishing and maintaining account ability-based programs that are designed to enhance school safety, which programs may include research-based bullying prevention, cyberbullying prevention, and gang prevention programs, as
In 2014, representatives proposed three separate bills. House Bill 3911 intended to offer grants to safe and drug-free schools to attain information on cases of bullying and harassment as well as to establish ways for the victims to lodge their complaints and involve the parents (H.R.3911, 2014).

House Bill 4756, required school employees of the state education offices to report any bullying activities of which they are aware within seven business days. Pursuant to this failed legislative effort, schools were required to also publish a report for the education community summarizing any bullying activities along with the actions taken. This bill stipulated that the names of the individuals involved should be struck from public record (H.R. 4756, 2014).

In July 2015, Representative Danny Davis (D, IL) proposed House Bill 3331 to amend the Safe and Drug-Free Schools and Communities Act. The amendment placed several requirements on state and local agencies: 1) states to use grants for safe and drug-free schools to collect and report information on bullying and harassment incidents, and 2) local educational agencies (LEAs) and schools to use subgrants to prevent and respond to incidents of bullying and harassment. The LEAs or schools must 1) notify parents and students annually of conduct prohibited in their school discipline policies, which must include policies regarding bullying and harassment, and 2) establish procedures for students and parents to register complaints regarding such conduct. Representative Davis proposed the expansion of the Safe and Drug-Free School and Communities Act's definition of violence to include bullying and harassment. In November 2015, the bill
was sent to the House Education and Workforce Subcommittee on Early Childhood, Elementary, and Secondary Education, but was tabled (H.R. 3331, 2015).

On April 5, 2017, Representative Sanchez (D. Ca) introduced bill H.R. 1957 to the 115th Congress to address bullying. The purpose of H.R. 1957 was to amend the Elementary and Secondary Education Act of 1965 and require schools to adopt efforts to prevent bullying and harassment of students. This bill was another attempt to require states to formulate policies strong enough to prevent bullying and harassment along with reporting incidents to the government through the National Center for Education Statistics (H.R. 1957, 2017).

To date, all attempts to pass federal laws to address and prevent bullying have failed. In the No Child Left Behind Act of 2001, there was an attempt to tie school funding to the safekeeping of students. In this attempt, there was no mention of “bullying,” but there were references to bullying prevention programs being required in all states and laws encouraging school districts to write safety plans (Edmondson & Zeman, 2011).

The federal government is unlikely to define or to pass a law addressing bullying in schools. Attempts to create a federal law that addresses bullying have been met with the criticism that one is not necessary because education is the jurisdiction of the state legislatures, not the federal government (Neiman et al., 2012). Furthermore, research literature, not federal influences, serves as the primary motivator for states to adopt anti-bullying legislation (Neiman et al., 2012).

**Federal Children’s Internet Protection Act.** A federal law that potentially impacts cyber-bullying is the Federal Children’s Internet Protection Act (CIPA). This
law addresses offensive Internet sites accessible in schools and libraries. It requires that all schools have policies in place that address safety and security concerning email, chat rooms, and any other forms of digital communication. This law applies to all schools that receive federal funding and includes the use of the district remote Internet connection while off campus, such as computers that are provided for use at home, and the use of cell phones on school property (Conn, 2002).

According to CIPA, any school district receiving federal funds for telecommunications must have protective measures in place to prevent students from accessing obscene or pornographic materials. Schools and libraries must certify that they have an Internet safety policy in place that blocks or filters obscene, pornographic, or other items harmful to minors. Schools must have a method to monitor students’ online activity, and they must provide education on correct online behavior that includes social networks, chat rooms, and cyber-bullying awareness (FCC Consumer Guide, Children Internet Protection Act, 2015).

This law will stand unless the Supreme Courts decides it violates the First Amendment to the Constitution (Conn, 2002). In CIPA, independent schools are not mentioned as being eligible to receive federal funds. Schools must have policies that require discussion on the acceptable use of technology by students to receive funding from the E-rate³ (which is part of CIPA) program. There must be concise and distinct policies concerning cyber-bullying and searching Internet records (Kowalski et al., 2012).

As the research has established, states started to formulate their anti-bullying laws after the Columbine incident. Some states laws are more stringent than others. Some

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³ School or library that receives federal funds to make technology more affordable.
states created their laws more quickly than others. The following section examines what
the states have accomplished with respect to anti-bullying legislation.

State Anti-Bullying Legislation

The StopBullying.gov website provides an overview of the various state efforts to
adopt bullying legislation. For example, the website identifies states that have high
student protections from bullying, weak protections, and general distinguishing
characteristics of the state laws. The next section will focus on the site’s data relevant to
the southeastern states because this research was conducted in a southeastern state.

Within the United States, 46 states have bullying laws and 45 of those laws direct
school districts to adopt bullying policies. However, three of the 46 states prohibit
bullying without defining the behavior that is prohibited. Thirty-six states include
provisions in their education codes prohibiting cyberbullying or bullying using electronic
media. Thirteen states specify that schools have jurisdiction over off-campus behavior if
it creates a hostile school environment. Forty-five state laws direct school districts to
adopt bullying policies. Forty-two state laws contain clear statements prohibiting students
from bullying.

Most states frame legislation as the law governing “bullying,” “bullying and
harassment,” or “bullying, harassment, or intimidation” using terms interchangeably.
Nine states distinguish between bullying and harassment and define them separately
under the law. Two states only address harassment as it pertains to behavior in schools,
with no mention of bullying. The most commonly covered components in legislation are
requirements to develop district policies, statements of scope defining school jurisdiction
over bullying acts, definitions of prohibited behavior, and disciplinary consequences.
Procedural components in laws are more likely to involve direct mandates, whereas programmatic components (e.g., training and prevention) are often prescribed using discretionary language (U.S. Department of Health and Human Services, n.d.).

Limber and Small (2003) point out that the many variations in the definition of the word bullying cause difficulties in enforcing anti-bullying laws. Holben and Zirkel (2014) examined state anti-bullying laws to compare their strengths while determining which states adopted such laws. Stanton and Beran (2009) recommend that the laws should more closely resemble the definitions used in the research. According to the National Conference of State Legislatures (2007a), state legislatures desire to create a safe environment for school children while maintaining a high academic standard. Holben and Zirkel reported that 15 states had laws addressing bullying in 2003, in 2004 the number rose to 16 states, in 2009 the number rose to 21 states, and in 2010, bullying laws were in 43 states.

According to the National Conference of State Legislatures (2007), 20 states had some form of anti-bullying laws regarding one or more of the following issues: a ban on bullying, school intervention efforts, reporting and immunity, parental rights, school personnel training, and curriculum inclusion. They indicated that eight states had begun addressing the cyber-bullying phenomenon. All of these state laws lacked funding and varied extensively in their scope and the nature of sanctions. South Carolina is one of the eight states to include cyber-bullying in their anti-bullying legislation (National Conference, 2007a).

All state laws require that notification of the accusations to the accused bully and his or her family and the victim and his or her family (National Conference, 2007a).
Effective anti-bullying laws are usually those that provide a way to enforce policies, require consistent standards for disciplinary action, or establish measures for evaluating a school district's progress toward reducing or eliminating bullying conduct. The state anti-bullying laws should provide a detailed definition of bullying, require each school district to adopt a policy prohibiting bullying and harassment, and provide minimum requirements for the contents of such policies.

Along with requiring the approval of a school district's policy by the Department of Education, many state policies require compliance with reporting procedures as a prerequisite to receiving school funds (Neiman et al., 2012). Many of the anti-bullying laws allow school officials to discipline students for off-campus, computer-based bullying (Neiman et al., 2012). The above provisions enable schools to take effective action against student perpetrators and provide a high level of protection against peer harassment by implementing necessary enforcement measures (Neiman et al., 2012). Under several of the laws, schools must hold a meeting with the victim and his or her parents to discuss the incident and determine its ramifications (Neiman et al., 2012). Some state laws address retaliation against the victim, as well as situations in which a student falsely accuses another student of bullying or harassment (Neiman et al., 2012).

Many states have adopted anti-bullying laws in recent years, but few claims based on state anti-bullying laws have appeared in courts (Holben & Zirkel, 2014) because of the lack of a private right of action. Until state legislatures include this private right of action, the only state legal theory available to the plaintiff would be to argue that the statute establishes a legal duty regarding negligence. Although the majority of state anti-bullying laws may adequately address bullying, all of the proposed developments in the
federal law have the potential to increase the protections from bullying afforded to students. In the meantime, existing state anti-bullying legislation provides some means of legal recourse for victims until a comprehensive federal law passes that will create a standard of protection for all states to follow.

The Florida legislature has attempted to enhance bullying laws by imposing liability upon the parents of the bully. This effort could reasonably be interpreted as a shifting of blame to parents given the assertion that the child’s actions are a direct reflection of the parent’s child-rearing skills. Florida is proposing the Bullying, Cyberbullying, and Harassments—Parental Responsibility law to hold the parents liable when their child bullies another child, especially if the bullying leads to death (Darden, 2015).

**Anti-Bullying Laws of the Southeastern States.** This study examines anti-bullying laws in the southeastern states: Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, South Carolina, Tennessee, and Virginia. This is a convenience sampling focusing on the southeastern states because Trippler is in South Carolina making anti-bullying legislation from the southeastern states especially pertinent to this study. To better understand how the southeastern states have responded to bullying through legislation, this section provides an overview of anti-bullying legislation highlighting the similarities and differences.

Alabama’s anti-bullying law only prohibits behavior motivated by the characteristics of named groups, and the law grants the State Department of Education authority over defining the minimum list of groups that are protected (such as ethnicity, race, and religious affiliation). Arkansas, Maryland, North Carolina, and Virginia prohibit
bullying based on a non-exhaustive list of identified characteristics or attributes, in addition to prohibiting other forms of bullying behavior that are not motivated by characteristics of the target or victim. Florida’s law defines bullying to mean systematically and chronically inflicting physical hurt or psychological distress on one or more students and may involve: teasing; social exclusion; threat; intimidation; stalking; physical violence; theft; sexual, religious, or racial harassment; public humiliation; or destruction of property. The definitions of bullying and harassment include:

- retaliation against a student or school employee by another student or school employee for asserting or alleging an act of bullying or harassment and perpetuation of bullying or harassing conduct by an individual or group with intent to demean, dehumanize, embarrass, or cause physical harm to a student (Fla. Stat. Ann. 1006.147(3), (2010).

Although Florida’s bullying law explicitly prohibits harassment based on sex, religion, or race, it requires that each district’s bullying and harassment policy afford all students the same protection regardless of their status under the law. The law allows districts to establish separate discrimination policies that include categories of students (Fla. Stat. Ann. §1006.147). Florida defines bullying and harassment separately, but limits definitions of harassment, or characteristic-based bullying, to only those categories listed above.

The Missouri state legislature decided to prohibit any school district from adopting a policy that safeguards specific classes of students, citing a commitment to providing equal protection for all students in its public schools. The North Carolina legislature defined bullying or harassing behavior including, but not limited to,
acts reasonably perceived as being motivated by any actual or perceived
differentiating characteristic, such as race, color, religion, ancestry, national
origin, gender, socioeconomic status, academic status, gender identity, physical
appearance, sexual orientation, or mental, physical, developmental, or sensory
disability, or by association with a person who has or is perceived to have one or
more of these characteristics (N.C. Gen. Stat. §115C-407.15(a), (2010).

While several of the southeastern states address cyber-bullying in their laws, the variation
across these laws is rather extensive. Arkansas statutes prohibit bullying by an electronic
act:

- whether or not the electronic act originated on school property or with school
equipment, if the electronic act is directed specifically at students or school
personnel and maliciously intended for disrupting school, and has a high

Florida and Georgia legislatures, on the other hand, have narrowed school jurisdiction
over cyberbullying behavior by only addressing acts committed using school-owned or
leased computers, computer networks, or other technology. Louisiana’s cyberbullying
provisions cover cyberbullying that occurs off school campus if the “actions are intended
to affect the student when the student is on school property” (La. Rev. Stat. Ann.
§416.13).

Key legislation recently passed in the state of Kentucky, known as the *Golden Rule Act*, amends provisions of the state’s education code but references statutes in the
criminal code related to harassing behavior and harassing communications (Ky. Rev.
Stat. Ann. §158.444). North Carolina recently passed a new law to criminalize
cyberbullying, making it an offense punishable as a misdemeanor for youths under 18 (N.C. Gen. Stat. §14-458.1). The Virginia state legislature recently considered legislation that would make the most severe cases of bullying punishable by a $2,500 fine and up to a year in prison, and the legislation would give victims legal recourse to sue students who bully.

The implementation of anti-bullying legislation in the education communities has varied across the southeastern states. The Arkansas law requires schools to provide notice of what constitutes bullying, to explicitly state that bullying is prohibited, and to identify the consequences of engaging in bullying by conspicuously posting the information in every classroom, cafeteria, restroom, gymnasium, auditorium, and school bus in the district, and requiring that copies of the notice be distributed to parents, students, school volunteers, and employees (Ark. Code Ann. §6-18-514(b), (2009). Georgia and Louisiana require districts to integrate the bullying policy into the student code of conduct, while Mississippi is placing policies in both the student discipline policy and code of conduct.

The Maryland anti-bullying law states that each county board shall establish a policy prohibiting bullying, harassment, or intimidation. In creating this policy, the county board shall develop the policy in consultation with representatives of several groups: parents or guardians of students; school employees and administrators; school volunteers; students; and members of the community (Md. Code Ann., Educ. §7-424.1(c), 2010). Missouri only requires language on harassment to be contained within the discipline policy due to the criminal classification of the offense. In South Carolina,
the responsibility rests with the superintendent to ensure that the policy is available to students, staff, parents/legal guardians, volunteers, and members of the community and to establish a process for discussing the policy with students.

The state of Florida is the only state with a stringent enforcement policy. The law makes the distribution of safe schools’ funds to a school district contingent upon the Department of Education’s approval of the school district’s bullying and harassment policy. The department must certify each school district’s policy conforms with the department’s model bullying and harassment policy. The Florida law further states that starting in the fiscal year 2010, all funds provided to a school district shall be contingent upon and payable to the school district upon the school district’s compliance with all reporting procedures contained in the policy (Fla. Stat. Ann. §1006.147).

The Alabama policy places a series of graduated consequences for any student who commits an act of intimidation, harassment, violence or threats of violence. “Punishment shall conform with applicable federal and state disability, antidiscrimination, and education laws and school discipline policies” (Ala. Code §16.28B.5 (2010). Bullying legislation in the state of Georgia offers an example of one of the strongest punitive sanctions for bullying behavior. It requires as a component of a district policy that any student involved in bullying on three or more occasions “be automatically transferred to an alternative school” (Ga. Code Ann. §20-2-751.4).

To curb bullying, students must have a safe way to report the acts. A number of the states have included reporting provisions in their anti-bullying laws. Alabama’s harassment law is much more extensive requiring,
a clearly defined procedure for students to use in reporting harassment, including, but not limited to, written reports on local board approved complaint forms and written reports of instances of harassment, intimidation, violence, and threats of violence based on the personal characteristics of a student (Ala. Code §16-28B-4).

Unlike states that have moved toward mandatory involvement of school personnel in responding to bullying situations on school grounds, Alabama’s state statutes absolve school personnel of any liability related to reporting of bullying incidents (Ala. Code §16-28B-5). The Alabama law requires that the state policy include language clarifying that it is the sole responsibility of the affected student, or the parent or guardian of the affected student, to report incidences of harassment. Alabama school districts are required to develop local policies that conform to the state model.

The state of Florida school district bullying policies require the adoption of procedures for reporting incidents of bullying or harassment as part of their uniform school safety and discipline reporting. The law requires districts explicitly to report individual incidents and their consequences, including discipline and referrals. The reports include data on incidents of bullying or harassment that do not meet the criteria of a prohibited act, presumably to provide information to use in assessing the adequacy of definitions. The law requires the Department of Education to aggregate information contained in the reports and links district compliance with incident reporting requirements to the distribution of safe school funds (Fla. Stat. Ann. §1006.147).

Georgia’s policy includes procedures for a teacher or other school employee, student, parent, guardian, or another person who has control or charge of a student, either anonymously or in such person's name, at such person’s option, to report or otherwise
provide information on bullying activity along with a statement prohibiting retaliation following a report of bullying (GA. Code Ann. §20-2-751.4(c) (2010). The state of Louisiana passed legislation requiring that the Department of Education develop a bullying behavior incident checklist. Maryland requires the State Department of Education to create a standardized reporting form that identifies the victims and the aggressor, describes the incident and its location, documents any physical injuries that occurred, the number of resulting absences from school, and any requests for mental health services for the victim or victim’s family. Each school receives the form, and schools must submit these forms to the county Board of Education. The county Board of Education provides annual summaries of compiled data to the state board (Md. Code Ann., Educ. §7-424).

Maryland and Kentucky’s type of clearly outlined procedures for data monitoring and reporting are relatively rare in state bullying legislation. Missouri state law threatens “penalties for school personnel who fail to report incidents that constitute a criminal offense” (Mo. Rev. Stat. §167.117.1). North Carolina’s bullying statutes assert that the law “should not be interpreted to prevent a victim of bullying or harassing behavior from seeking redress under any other available law, either civil or criminal” (N.C. Gen. Stat. §115C-407.18). In South Carolina, it is mandatory for the staff or students “who witness bullying to report, and there can be legal ramifications for school personnel who fail to report” (SC Code Ann. Sec. 59-63-110).

To address bullying efficiently, many states in the southeastern region adopted prevention measures along with training modules for all school personnel. Maryland’s district policy states that the district shall develop educational programs for teachers and
administrators to support implementation and enforcement of the bullying policy. This policy mandates implementation of a whole-school bullying program that must include support services for the bully, victim, witnesses, and bystanders. Maryland’s bullying legislation requires county Boards of Education to develop educational bullying, harassment, and intimidation prevention programs for students, staff, volunteers, and parents (Md. Code Ann., Educ. §7-424.1).

Missouri requires the school district to provide training for employees relative to the enforcement of the state law. In South Carolina, information regarding a local school district policy against harassment, intimidation or bullying must be a component of a school employee training program. Schools should provide training to volunteers who have significant contact with students. Schools and school districts are encouraged to “establish bullying prevention programs and other initiatives involving school staff, students, administrators, volunteers, parents, law enforcement, and community members” (S.C. Code Ann. §59-63-140(E), (2009). For consistency, Virginia’s law mandates school personnel to receive in-person training on a division-wide basis.

The previous section examined and summarized the pertinent facts of laws across the southeastern states (See Appendix E). The following section summarizes research on the applicability of tort law as an avenue of redress for victims of bullying.

**Liability Statutes.** Disciplinary action for bullying in school settings resides primarily with the schools. Recently, legislation has attempted to make the most severe forms of bullying a criminal offense to be handled in the criminal justice system (Brookshire, 2014). Some states have created new laws targeting bullying, while other states, such as Arkansas, have modified existing crimes to address bullying behavior
making cyber-bullying a criminal offense, Louisiana and North Carolina have also established criminal consequences for bullying (Brookshire, 2014). The extension of anti-bullying laws to include cyber-bullying and to provide criminal liability in extreme cases of bullying is increasing in frequency across state legislatures (Brookshire, 2014).

All schools must deal with bullying, and schools do not have to limit actions to the requirements outlined in the school or state anti-bullying policies. Different forms of bullying will trigger different forms of responsibilities under state tort law and federal statutes (Brookshire, 2014). For instance, bullying based on race, color, national origin, sex, or disability would constitute violations of a variety of federal anti-discrimination statutes. However, if the bullying is not based on any of the features above or the victim does not qualify as a member of a protected or identifiable class, then it falls under state tort law (Brookshire, 2014). A state claim may be more advantageous for the plaintiffs than federal claims because some state civil rights statutes will cover a broader range of discrimination than federal statutes, and state standards for establishing liability may be less stringent than federal standards (Brookshire, 2014).

Tort law primarily focuses on legal remedies for wrongs committed against individuals. A tort is "a civil wrong for which the law recognizes a legal remedy on behalf of a private individual" (Brookshire, 2014, 360). Bullying is a wrong committed against an individual. Due to the nature of bullying, tort claims should be an avenue for the victims to pursue. The possibility of a student injury on school grounds due to bullying should prompt schools to formulate and enforce stronger anti-bullying policies.

If the victim of bullying wants to claim negligence against the school district, there are many hurdles that the victim must overcome. School districts do have a duty to
keep their students safe from reasonable dangers (e.g., bullying, being hit in the head by falling debris), but they are not expected to keep the student from sustaining an accidental injury (e.g., receiving a scratch, tripping) at school. Schools are to supervise students in their care, and a failure to protect students from foreseeable injuries may result in liability. The following section examines cases that address both harassment and bullying to discover critical lessons from the courts on how schools may or should respond when students are bullying victims (Holben & Zirkel, 2014).

**Harassment and Bullying Case Law.** Holben and Zirkel (2014) referenced a survey conducted between 1992 and 2011 by the Josephsen Institute. Results from that survey show that 20% to 25% of students aged 12 to 18 self-reported experiencing bullying at school within the past year and 6% to 20% reported bullying in the form of cyber-bullying. Josephsen Institute used Westlaw to look at the case law involving public school students in grades K-12 with no mention of private school students. Holben and Zirkel (2014) explicitly stated cases in private schools were part of the exclusions.

Using Olweus’s proposed definition of bullying, Holben and Zirkel (2014) identified 166 court decisions made between 1992 and 2011. The federal courts heard 148 cases, and 18 settled in state courts. Of the 166 cases, 140 concerned individuals who belonged to a protected class. Holben and Zirkel (2014) found that the court ruled on Title IX, Fourteenth Amendment, substantive due process, Fourteenth Amendment equal protection, negligence, and state legislation related to civil rights law or state equal protection claim, but these rulings rarely referenced anti-bullying laws. Most of the

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4 Westlaw is one of the primary online legal research services for lawyers and legal professionals in the U.S.
rulings were more favorable to the school districts, except the Title IX cases, which tended to be more favorable to the students and parents.

Holben and Zirkel (2014) examined case law concerning bullying in the public-school system over a 20-year period, focusing on liability and free and appropriate public education (FAPE)\(^5\) to identify the parameters of bullying. The authors found that bullying goes beyond the protected class to appearance, relationships, and personality. Their finding reinforces the idea that harassment and bullying are intertwined, but may have different results in the courts, given the limited legal protections for all students who are bullied. Thus, schools and students benefit from knowing which behaviors extend beyond usual childhood teasing and fighting and rise to the level of bullying or harassment, both of which may result in legal responsibility or liability for the school.

Holben and Zirkel (2014) found the legal limitations on enforcing bullying prevention rules in a school setting. These limitations include but are not limited to immunity of government officials, which is a problem in liability lawsuits against school districts and personnel, and protection under the First Amendment when verbal bullying occurs along with cyber-bullying, which blurs the lines between free speech and harassment or bullying. This line becomes further blurred when applied to off-campus/on-campus speech. Holben and Zirkel (2014) reported that only slight attention to the bullying issue was addressed in the literature they reviewed as part of their analysis of court cases. Further, they noted that the focus has been on cases related to the

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\(^5\) FAPE is an educational right of children with disabilities in the U.S. guaranteed by the Rehabilitation Act of 1973 and the Individuals with Disabilities Education Act (IDEA). Under the IDEA, FAPE is defined as an educational program individualized to a specific child, designed to meet that child's unique needs, provides access to the general curriculum, meets the grade-level standards established by the state, and from which the child receives educational benefit.
Fourteenth Amendment, substantive due process, federal civil rights laws, negligence or liability laws, and anti-bullying policies.

Although there are no specific federal bullying laws, students may seek relief in limited circumstances under the protections of federal civil rights laws. The Office of Civil Rights establishes, under certain circumstances, that bullying may trigger legal responsibilities for schools under the civil rights laws enforced by the OCR and DOJ that prohibit discrimination and harassment based on race, color, national origin, sex, disability, and religion. The federal civil rights laws enforced by the OCR include Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990. DOJ has jurisdiction to enforce Title IV of the Civil Rights Act of 1964, which prohibits discrimination by race, color, sex, religion, or national origin (The United States, 2012).

Scholars have made a distinction between bullying and harassment, but the courts have muddled the line between the two terms. Schools must be attentive to the fact that bullying may, in fact, constitute harassment, which federal laws prohibit if the victim is a protected class member. The following discussion illustrates how the Supreme Court has responded to sexual harassment claims that included incidents of bullying by other students in the public school setting.

**Sexual Harassment Claims.** In two high profile cases, students were bullied and eventually sought relief claiming that the bullying escalated to sexual harassment. The parents in both cases had repeatedly expressed concerns for their children’s well-being given the severity of the bullying. Yet, in both situations, the school districts either failed
to respond or their response was insufficient given the severity of the continued bullying and harassing behaviors.

**Fitzgerald v. Barnstable School Community (2009).** Fitzgerald was a kindergarten child riding on the school bus when a third grader bullied her into lifting her dress. She told her parents, who then contacted the school. The school’s principal did not feel sexual harassment was involved, so the school did not take action. The parents contacted the police department, but police officials determined there was insufficient evidence to bring criminal charges against the third grader. The parents requested the school separate their child from the third grader and complained the teachers did not receive notification of the request for separation. The school officials denied their request. The Fitzgeralds filed a lawsuit claiming a violation of Title IX, Section 1983, and other state claims. The First Circuit Court ruled that the school had conducted a prompt and diligent investigation and concluded that the school officials did not exhibit any deliberate indifference. The court stated that Title IX was remedial and any violations cannot be heard under Section 1983. The Fitzgeralds then requested their case go to the Supreme Court. The Supreme Court held that Title IX does not preclude Section 1983 equal protection claims, and the Supreme Court reversed the First Circuit court’s decision, and remanded the case for trial on the merits of the parent’s Section 1983 claims.

**Davis v. Monroe County Board of Education (1999).** The plaintiff in *Davis* was the mother of a 5th-grade student, LaShonda Davis, who had suffered a prolonged pattern of gender-based harassment at the hands of a male elementary school classmate. The boy, identified by the court as G.F., made repeated attempts to touch LaShonda’s breasts and
genitals, while at the same time making vulgar remarks about having sex with LaShonda. G.F.’s harassing behavior persisted for several months.

LaShonda and her mother reported each of the incidents to LaShonda’s classroom teacher, who reassured mother and daughter that she had reported the inappropriate behavior to the principal. Nevertheless, the school took no disciplinary action against G.F. One day in physical education class, G.F. put a doorstop in his pants and acted in a sexually suggestive manner toward LaShonda. G.F. repeated his sexual innuendos in other classes, and his suggestive behavior escalated to his physically rubbing up against LaShonda in a sexually explicit way. LaShonda reported the incidents to several teachers, and her mother followed up with personal contacts to both the teachers and the principal. Again, no action was taken to reprimand or discipline G.F. or to separate him from contact with LaShonda. Other students complained about G.F., but the principal continued to query LaShonda’s mother as to why LaShonda was the only one complaining.

LaShonda’s ordeal finally ended when authorities charged G.F. with sexual battery, and the boy pleaded guilty to criminal sexual misconduct. LaShonda’s grades had suffered a dramatic decline during her months of torment, and her father discovered a suicide note she had written because the school repeatedly ignored her reports of G.F.’s harassment. When LaShonda’s mother attempted to sue the school district for monetary damages under Title IX, the district court dismissed the suit because it declined to recognize any circumstances under which a school district could be held responsible for the student-on-student harassment. After multiple appeals, the Supreme Court finally acknowledged that school districts could indeed be held liable for discrimination caused
by student-on-student harassment. However, the Court stated, the district could be held liable only for its misconduct, not the misconduct of its students.

In this case, the family sued the school based on Title IX that state “no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance” (20 U.S.C. §1681[a]). At first, the lower court ruled against the student, and the family appealed. Six years later, the case went to the Supreme Court and, in a five to four decision, the court found that public schools could be held liable for monetary damages suffered by a student under Title IX if the school responded with deliberate indifference (Cornell & Limber, 2015). This decision constituted a monumental shift in the legal obligations of schools for student behavior. The Court recognized that sexual harassment of one student by another could constitute discriminatory actions under Title IX. This case paved the way for more court cases contending schools must take action to stop harassment (OCR, 2010).

The Supreme Court established four conditions, known as the Davis standard, which must be met for a school to be held liable: 1) student is being harassed because of membership in a protected class; 2) harassment must be severe and pervasive, which excludes ordinary teasing, name-calling, and rough play; 3) school authorities must know about the harassment and are not held liable for unknown incidents; and 4) schools are liable only if they are deliberately indifferent to the harassment (Cornell & Limber, 2015). In Davis (1999), court ruled that school officials could be held liable under Title IX, which might result in financial responsibility in the form of damages to the student suffering from harassment.
The lower courts rely on the Supreme Court rulings in *Fitzgerald* and *Davis* when subsequent bullying cases are brought before them. Specifically, *Fitzgerald* provides the lower courts with guidance regarding the definition for gender discrimination in Title IX cases. The *Davis* ruling similarly guides courts seeking to determine liability under Title IX when individuals seek damages for sexual harassment.

**Roe v. Gustine Unified School District (2009).** A federal district court in California denied efforts of the Gustine Unified School District to obtain summary judgment on Title IX claims stemming from peer harassment at a high school football camp. Roe was a freshman at Gustine High School and attended a three-day football camp. Roe stated that upperclassmen repeatedly subjected him to physical fights.

For the court to find the school district liable under Title IX, Roe had to prove verbal abuse. These campmates held him down in the locker room, inserted a battery-operated air pump nozzle in his rectum, and then turned it on. They called him homosexual epithets, grabbed him while he was in the shower, flashed and slapped him with their genitals, and beat him with pillowcases stuffed with equipment. The court stated that Roe needed to establish that the harassment was severe and pervasive, driven by his sex and gender. It was known to the school district, and treated with deliberate indifference by the school district. The court denied summary judgment to the school because a jury could not find four elements of the Davis Standard.

The plaintiff was sexually assaulted but endured camp, and later withdrew from school. This would support a jury's conclusion that the harassment was severe and pervasive. The school district argued that the harassment was part of being a high school freshman. The court stated that a jury could find the harassment was gender-motivated

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based on the homosexual statements that accompanied the abuse. The plaintiff did not report the harassment during camp. The court felt the jury should consider the head coach knew the danger the upperclassmen posed because of a similar incident involving the same boys attempting the same actions on another freshman. He confiscated the air pump but did not take further action.

The court found that the district's response may constitute deliberate indifference in the eyes of the jury. After camp, an assistant coach found out about the assault on Roe and reported it to the principal, who suspended the upperclassmen from school. The jury agreed that the coach knew about the incident, which would illustrate the deliberate indifference standard. The court ruled that the importance of this case is that it illustrates the bullying that takes place in many athletic programs. Many states have laws that protect students against hazing and bullying; Title IX applies when sexual innuendos are involved. School districts wishing to protect their students from harassment and to avoid liability must train their coaches and teachers to recognize and respond to incidents of sexual harassment and not dismiss them as horseplay or condone them as team hazing.

**Manfredi v. Mount Vernon Board of Education (2000).** Marie O'Neill

Manfredi filed a suit against the Mount Vernon Board of Education because Frances, her ten-year-old daughter who was a second grader in the school district was sexually harassed, pushed, tormented, verbally abused, spit on, and hit by a second-grade boy. Manfredi states that the school administrators exhibited deliberate indifference to the harassment which she claims denied her daughter her right to an education. Teachers at the school referred to the accused student as a troubled boy, but the school took no action to protect Frances. Frances’ classroom teacher called the police to the school when
Manfredi and her brother confronted the boy about him touching Frances in her private parts. Frances continued in school after school administrators moved her to another classroom. The Court cited the Davis case as setting a precedent on how to handle a Title IX case. The court ruled that there had not been any sexual harassment and that the little boy’s touch was not for sexual gratification.

**Disability Harassment**

The Individuals with Disabilities Education Act (IDEA) guarantees a free appropriate public education to children with disabilities throughout the nation and ensures the provisions of special education and related services for eligible children. The IDEA governs how states and public agencies provide early intervention, special education, and related services to infants, toddlers, children, and youth with disabilities (Dieterich, DiRado-Snyder, & Villani, 2015).

The Individuals with Disabilities Education Act (IDEA), states that schools that receive federal education funding must provide disabled children with a free appropriate public education (FAPE) through the least restrictive environment (LRE) in conformity with an Individualized Education Program (IEP). When a student has his or her rights violated under IDEA, a parent may request a formal due process hearing and seek relief in the form of compensatory education or tuition reimbursement, but not compensatory damages. Upon exhaustion of administrative remedies, a party has the right to judicial review in state or federal court. Courts interpreting IDEA have held that the school districts must put into place academic and educational safeguards that assure that each IEP confers a FAPE. Any IEP should, where needed, include a plan for the student that outlines positive behavior supports and interventions. An IEP may serve to address a
special education student’s needs where a student experiences bullying or is the alleged perpetrator of bullying (Dieterich, DiRado-Snyder, & Villani, 2015).

By implementing a comprehensive bullying plan for the classroom and responding to a student’s individual needs in response to bullying, districts are more likely to be found to be providing the child with a FAPE, mainly when the student is making positive progress under the IEP. Courts recognize that it is an IEP and its implementation cannot always prevent altercations. However, a bullying incident does not negate the appropriateness of an educational program. Under IDEA claims, courts expect school districts to respond to bullying by addressing the student’s needs and designing an IEP that meets academic needs. Additionally, it must provide for ongoing social skill development, particularly in cases when a child experiences difficulty with peer-to-peer social interactions. When a district avoids investigating extreme bullying behavior, the district is not proactive in preventing potential bullying incidents (Dieterich, DiRado-Snyder, & Villani, 2015). If the district does not design an IEP that includes strategies to meet the needs of the student with the disability who experiences bullying, the courts are more likely to rule in favor of the parents (Dieterich, DiRado-Snyder, & Villani, 2015). The following cases demonstrate how the courts have found school boards responsible for bullying incidents that either interfere with the provision of a FAPE to the student with a disability or that qualify as harassment by disability.

**Scruggs v. Meriden Board of Education (2005).** The parent of a student with a learning disability filed a Section 1983 claim based on the school board’s alleged violations of the IDEA, Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act (ADA), as well as under state law after her son committed suicide. She
claimed the school district had violated his rights by dismissing him improperly from special education in April 2000, failing to take some steps related to his special education needs, and failing to supervise and protect him adequately from known harassment, bullying, and assaults. She claimed that the defendants knew or should have known of the bullying and harassment that caused her son to miss 33 days of school in sixth grade and that intensified in seventh grade. The parent complained to the vice-principal, who did not take any action, and the student began to miss more school. Subsequently, after a meeting in mid-October, 2001 between the mother and the vice-principal and guidance counselor, the student entered another program, but the bullying and harassment continued. In December 2001, the planning and placement team met, and the student’s mother again raised concerns about bullying and harassment, citing specific incidents of punching and kicking. Additionally, the student experienced having his hair pulled violently and struck by desks. The student’s mother agreed to have the school test the student to assess his learning and social skills. The school did not schedule or conduct the tests, and the student committed suicide at the beginning of January 2002.

The defendants’ school district moved to dismiss the parent’s complaint about failure to exhaust administrative remedies. Finding that exhaustion would have been futile, the court denied the motion. The court found that the suit was not time-barred. The parent’s allegations that the defendants knowingly placed the student in a class with a student who was a known threat to him and then refused to move him, in combination with their alleged failure to provide him with required special education services were sufficient to state a claim. The court further found that the parent had stated sufficient allegations that defendants had acted in bad faith. This established deliberate indifference
to withstand defendants’ motion for judgment on the pleadings for the parent’s equal protection claim and her claim that the defendants had failed to train and supervise staff adequately and to establish anti-bullying and harassment policies. Finally, the court found the parent’s claims of intentional discrimination sufficient under the Rehabilitation Act and the Americans with Disabilities Act, granting the defendants’ motion for judgment on the pleadings only to the extent that the parent sought punitive damages under the Rehabilitation Act and the Americans with Disabilities Act. The court granted the defendants’ motion as to individual liability under those two statutes. The court sustained the parent’s claim of supervisory liability against one of the defendants as well as her claims regarding a conspiracy. All of the defendants’ defenses regarding sovereign immunity were denied (Scruggs, 2005).

T.K. and S.K. v. New York City Department of Education (2011). When a young girl with a disability became the target of bullying in a New York City public school, school officials did not attempt to protect the student, causing the parents to put their daughter in a private school. According to the IDEA, parents may move their child to a private school and seek tuition reimbursement when the public-school option fails to provide FAPE. The U.S. District Court stated there was legitimate concern that the bullying would restrict the learning outcomes of the student and thus determined that she was not receiving FAPE as mandated by the IDEA. Thus, the court ruled that the school district would have to pay the private school tuition costs for that year.

Broaders v. Polk County School Board (2011). B.B. was a thirteen-year-old, African-American, male, seventh grader at Dundee Middle School, a school operated by Polk County School Board. B.B. had attention deficit disorder (ADD), and the school
provided him with an Individualized Education Program (IEP) under the IDEA. During the 2006-07 school year, his mother reported to the administrators that other students were continually bullying B.B. He complained that he hated going to school because he felt that the teachers and administrators did not help him when he reported bullying incidents. On April 27, 2007, B.B. came home and complained to his mother, in his words, that his butt hurt. His mother took B.B. to the emergency room where medical personnel discovered that a sewing needle embedded in his rectum. His mother found out that earlier that same day three male students attacked B.B. in a school bathroom. Two boys pinned B.B. down while the third boy inserted a sewing needle into B.B.’s rectum. A school administrator was standing near the bathroom at the time of the assault and saw the three boys enter the bathroom behind B.B., but the administrator did not investigate. The lawsuit alleged a violation of due process and equal protection under the Fourteenth Amendment. The decision was that a mere failure by the defendant to direct more resources toward student safety and protection would not fall under the due process clause (Broaders, 2011).

**Racial Harassment**

Title VI is a federal statute that forbids discrimination by entities that receive federal funds. If a bully persistently taunts, defames, picks on, shoves, physically intimidates, or steals from any student because of their race or ethnicity, the victims, or caregivers acting on their behalf have the right to take legal action under Title VI (Conn, 2002). The court will decide whether a school official or school district has violated Title VI using a two-pronged approach of whether the district received actual notice and
whether it responded with deliberate indifference as required in Title IX cases (Conn, 2002).

Title VI is the basis for several lawsuits initiated by individuals who alleged that the school boards were responsible for, or guilty of, violating students’ rights to be free from racial discrimination. Title VI of the Civil Rights Act of 1964 states that no person on the ground of race, color, or national origin, may be excluded from participation in, be denied the benefits of, or be subjected to discrimination at any educational institution while receiving federal financial assistance (Conn, 2002).

**Gant v. Wallingford Board of Education (1999).** In this case, the parents alleged that the Wallingford, Connecticut, school district had demoted their son, a black first-grade student, to kindergarten after only nine days in a new school solely because of race. They alleged that because Cook Hill Elementary School was predominantly white (students, teachers, and school staff), Ray Jr. became the target of racial name-calling.

After school authorities failed to respond adequately to their allegations that Ray Jr. was the victim of intentional racial discrimination, the Gants brought suit in federal district court, alleging denial of equal protection of the law and violations of their son’s civil rights. The Court of Appeals stated that for the Gants to succeed on a claim of race discrimination based on the school’s responses to their son’s race-based harassment in the school environment, they must show that the school was deliberately indifferent to the harassment. The Gants were upset over the school’s responses to name-calling and racial epithets uttered by their son’s peers in school. They mainly noted what they believed was the principal’s inadequate response to an incident that had occurred at a school bus stop, where a white parent commented that her child would “have to ride with a nigger. (Gant,
The principal felt that she had no authority over the parent’s actions outside of school. The court accepted this explanation (Gant v. Wallingford Board of Education, 1999).

**Crispim v. Athanson, (2003).** Several black and Hispanic, second and third graders at an elementary school in Hartford, Connecticut, persistently harassed Joshua Crispim, a white student by shutting doors in his face and pushing him around in school. The harassment continued outside the school, too, with kids throwing him down on the grass, kicking him, and calling him names such as cracker. His mother met with the principal at least 10 times about the assaults, but despite assurances that the students would be reprimanded, nothing happened. Finally, his mother removed Joshua from offending school, and the family moved to another school district.

After the move, Joshua’s mother sued the principal and two of his teachers, alleging violations of Joshua’s civil rights and seeking to recover moving costs. Looking into Joshua’s Section 1983 claim, the court introduced a new element into the analysis: Did the school have a special relationship with Joshua that imposed on school officials an affirmative duty to protect him? If not, did school authorities affirmatively act to create an opportunity for harm to Joshua that would not have existed otherwise? The school had not taken any action to make Joshua any more vulnerable to harm than he already was. School officials had punished Joshua’s harassers by depriving them of playground recesses “once in a while.” The court determined that the reported incidents of harassment were “nothing more than adolescent bullying.” (Crispim v. Athanson, 2003)
Negligence Torts

Negligence tort claims under state laws are another way that some students and their parents have sought relief or financial reimbursement from school boards that fail to address bullying and harassment. A tort is a wrongful act, whether intentional or accidental, from which injury occurs to another. The cases discussed below involved claims based on negligence of the school personnel with respect to the bullying behaviors (Brookshire, 2015).

O’Dell v. Casa Grande Elementary School (2008). In early 2007, Perez verbally and physically threatened Diaz, O’Dell’s daughter. Seeking intervention, O’Dell contacted the superintendent, principal, vice-principal and the school resource officer (SRO) of Casa Grande Elementary School. The bullying and threats increased even after O’Dell’s attempts to resolve the situation and despite awareness of the threat by the SRO and other district/school officials. In late February 2007, O’Dell received a phone call from one of her daughter’s teachers concerning a rumor circulating that Perez was planning to attack Diaz. The teacher sent Perez to the principal’s office where the threat was discussed. Later that afternoon the attack took place. As a result, Diaz alleged she suffered physical injuries and emotional distress. In January 2008, O’Dell filed a claim against the City of Casa Grande, its police department, and the school district citing: 1) deprivation of due process rights; 2) negligence by the city and district for failure to train their employees pursuant to Arizona's anti-bullying statute (See Arizona anti-bullying statute in Appendix D); 3) negligence in the protection of Diaz; and 4) negligence per se under Arizona's anti-bullying statute. O’Dell claimed that the school failed to remove or
discipline the student who was harming Diaz and that the school was fully aware of the danger Diaz faced each day.

The court ruled that the school violated Diaz’s rights established by the anti-bullying statute because the school failed to act and intervene in response to the bullying Diaz endured. Although the federal court determined that a federal rights violation had not taken place, the federal court remanded the case to the state court to determine how to respond to the school board’s failure to act as required by the Arizona anti-bullying statute (O’Dell, 2008).

**Sanchez v. Unified District No. 469 (2014).** In 2011, Sanchez was a new seventh grader in a Lansing school with a zero-tolerance bullying policy. Cody began bullying Sanchez about his lazy eye and short stature. Cody threw water bottles at him, put him a headlock, and threatened to stab him. Sanchez’s sister witnessed some of the bullying incidents and went to the police, who in turn met with Cody and his father, warning that this action needed to cease. Then Cody’s sister went to the school’s principal about the bullying and he met with the boys separately to discuss the incidents. He told Cody to stop bullying Sanchez and gave Cody a two-day at-home and one-day in-school suspension. Sanchez was free from bullying for a few days, but it began again, though indirectly. Cody told other students to “keep Sanchez away from him, or he would kick his ass.” Cody received another suspension and was mandated to attend counseling. Another student, Michael, began bullying Sanchez. Michael struck Sanchez and broke his jaw. The principal and Sanchez’s sister called the police and filed a police report. Sanchez’s sister filed a negligence lawsuit against the school district and principal citing their failure to create a safe learning environment for her brother. The court gave
immunity to the district and the principal under the Coverdell Act, which grants immunity to teachers and principals who take "reasonable actions to maintain order, discipline, and an appropriate educational environment" (20 U.S.C. § 6732).

**Dornfried v. Berlin Board of Education (2008)**. In 2008, a Connecticut Superior Court judge ruled that there is no private right of action under Connecticut’s anti-bullying statute. Dornfried and his parents sued the principal, athletic director, and football coach, claiming to have been bullied by other students at the school. Dornfried alleged that the defendants failed to comply with Connecticut General Statutes Section 10-222d. This statute stipulates that each local and regional board of education shall develop and implement a policy to address the existence of bullying in its schools, but this was stricken from the suit on the grounds that a lawsuit could not be brought pursuant to this statute. The court stated there was no explicit language in the statute creating a private cause of action, nor was there any indication that the legislature ever intended to create such a cause of action. The court knocked down all but one of the complaints for various reasons, leaving only the second count concerning the allegations of reckless disregard on the part of the defendants as to the bullying by other students.

On October 4, 2010 the court denied the motion in a ruling that noted many factual disputes yet to be resolved in this case: whether there was an exchange between the student and the coach concerning the bullying issue; the frequency, nature and intensity of the alleged bullying, whether other people informed the defendant of the alleged incidents, and whether the coach had actual knowledge of the incidents; the extent and effectiveness of the resulting investigation; and the degree and nature of the duty owed to the student by the defendants. In cases where there are these types of
factual disputes, the court noted summary judgment is not the appropriate method to
dispose of a case. Regardless of the intent of the legislature, courts will continue to
decide these types of cases for the foreseeable future.

**Risica v. Dumas (2006).** The student, Justin Risica, started attending a new
middle school after moving from Rhode Island. Risica, a seventh grader, received
services outlined in an Individualized Education Program (IEP). Approximately 50
students began to harass Risica. The harassment included name calling but did not
involve physical assaults or physical threats. After becoming aware of the harassment,
Principal Dumas spoke with one of the students Risica identified as one of the name
callers. Risica stated that Dumas's efforts had no effect and that the harassment
continued. In February, a janitor found Risica’s geography book which contained a hit
list. The list contained the name of a female student. Risica admitted to making a list, but
Risica did not intend to kill the female student. Due to the hit list, Risica received a ten-
day suspension. The school required Risica to see a psychiatrist before returning to
school. The psychiatrist recommended that Risica remain out of school for the remainder
of the year, so the district provided a tutor for Risica. Before the start of the next school
year, the psychiatrist recommended that Risica not return to that school. Risica was
transferred to another school. Risica’s lawsuit rests on the belief that Principal Dumas
discussed the situation with two secretaries in the office who in turn discussed his
situation in a public area. Other students allegedly overheard the discussion, and that led
to rumors circulating about Risca leaving the school because he attempted to cause bodily
harm to Principal Dumas.
Risica brought three federal claims against Principal Dumas, citing: 1) Dumas denied Risica procedural due process by issuing a 10-day suspension over making the hit list; 2) Dumas violated Risica’s substantive due process rights by failing to intervene to prevent bullying, harassment, and name-calling from other students; and 3) Dumas infringed on Risica’s right to privacy under the Fourteenth Amendment by disclosing the hit list and plaintiff’s suspension to a student named on the list and to the school’s administrative staff. The plaintiff brought state law tort claims of invasion of privacy and intentional infliction of emotional distress. The decision was that a school’s failure to prevent bullying from continuing does not rise to the level of a constitutional violation.

**Summary of Court Cases**

Several of the cases resulted in some level of protections for students who claimed the bullying or harassment they experienced violated various legal protections established by both state and federal laws. As many of the court rulings reveal, however, bullying, in the absence of a legally protected federal right, such as the right to be free from racial or disability harassment, is a complicated issue for the courts to address in public school settings. In other words, federal legal protections provide critical avenues of relief for bullied children if they qualify as members of a protected class.

**Limits on School Responses**

Schools have a legal duty to make sure the children entrusted to them stay safe, which means anticipating all forms of harm that may arise, including bullying in all its forms (Kowalski et al., 2012). Enforcement of legal duty is complicated because the courts have not determined a standard of care for schools. Kowalski et al. propose the standard of care should include policies that limit the use of school computers for outside
socializing not pertinent to schoolwork, establish workshops on cyber-bullying and the school and district’s policies, develop a plan for monitoring students’ computer use, and establish a reporting process for when misuse takes place.

However, schools must balance their anti-bullying efforts with their duty to respect students’ First Amendment free speech rights (Kowalski et al., 2012). In *Tinker v. Des Moines Independent Community School District* (1969), the Supreme Court held that “First Amendment rights are available to teachers and students, ” and students do not “shed their constitutional rights of speech or expression at the schoolhouse gate (*Tinker v. Des Moines Independent Community School District*, 1969).” Given the court’s ruling in the *Tinker* case, limiting student free speech is permitted only when the speech substantially disrupts the educational mission of the school or infringes on the rights of other students.

To date, the Supreme Court has not ruled on any cases involving electronic speech. The courts have more clearly defined a threat as speech that is threatening and meant as a threat, whether it is a legitimate threat or not (Kowalski et al., 2012). School administrators must also respect a student’s Fourth Amendment rights when scrutinizing and probing the student’s personal belongings, such as cell phones and internet records (Kowalski et al., 2012). Given these constitutional protections of freedom of speech and the right to be free from unreasonable search and seizure, school officials will have to proceed cautiously in bullying cases that might involve competing interests.

This section provided an overview of the federal protections concerning bullying and cyber-bullying, identified the anti-bullying laws of the southeast along with liability statutes, and examined the limits on schools and their ability to respond to bullying. The
following section will extend the previous discussion by including a review of school district policies, particularly at independent schools.

**School District Policies**

Investigators discovered after the fact that the students who perpetrated the Columbine attacks discussed their plans on the internet which resulted in schools becoming hyper-vigilant concerning all forms of alarming speech (Conn, 2002). Some school districts spell out their discipline policies in minute detail. One example is the Bethlehem School District, where a student created a webpage depicting the death of his teacher and made disparaging comments about the principal. The court upheld the punishment because the school’s discipline policies were communicated clearly to students, including the associated punishments (Conn, 2002).

Conn (2002) recommends that school districts establish guidelines for the use of the school’s internet connection, including disciplinary procedures for infractions. In order to monitor websites, schools need to have a way of reporting websites that may be critical of the district or of a specific school. School administrators need to proceed with caution when considering discipline for students who create websites off campus, as First Amendment protections may apply. Conn (2002) recommends that the guidelines have a provision to contact the parents when someone creates a questionable website of which students are aware.

School districts need to ensure that their policies are detailed as to what is and is not allowed and the penalties for infractions. There needs to be a uniform standard concerning when a public-school system can take disciplinary action (Espelage, 2016). It would seem that based on Espelage’s article, that a similar standard should be
articulated for the independent school system focusing on when disciplinary action should take place. Such a standard would establish a good working relationship between the public school and the independent school for situations in which a student at an independent school bullies a public-school student. There needs to be equality in the punishment between the independent school student and the public school student. There are many disputes about where a student’s First Amendment rights begin and the school’s responsibility to protect the student ends (Espelage, 2016).

Limber and Small (2003) recommend that there be a comprehensive district-wide policy to reduce confusion and promote safety. When creating this policy, the school needs to involve students, staff, and parents, so all parties have ownership of the policy. Some states stipulate various aspects required in the policy, and some states stipulate the creation of a safe school committee. One duty of the committee would be to examine the anti-bullying programs in other states. Some states mandate character education programs for their school districts. Washington state requires all school districts to train teachers to recognize and prevent harassment, intimidation, and bullying. With this requirement, each district must establish a website addressing the policies and provide training materials for all to use and reference (Limber & Small, 2003). Limber and Small found that state officials fear that without training to distinguish between bullying and horseplay, the real bullying incidents will slip through the cracks (Limber & Small, 2003).

Limber and Small (2003) recommended including, or at least encouraging, reporting as a requirement in all statutes. However, not all state statutes follow this guideline. Statutes need to address the minor distinctions between reporting versus encouraging a process. A required report of an incident becomes a legal issue involving
liability. If the district fails to report a bullying incident and something tragic happens, the district could face liability charges. For this reason, immunity clauses are becoming more common. These clauses ensure school personnel is not liable regarding reports of bullying incidents if a tragedy occurs (Limber & Small, 2003). Another important consideration is to what level of authority should incidents be reported (Limber & Small, 2003).

School district discipline procedures can adversely effect bullying. The harshness of the punishment may result in both teachers and students hesitating to report an incident. A Georgia statute to physically remove from the school any student accused of bullying, has proven to curb reports of bullying instead of decreasing the number of incidents. Removing a student from school may not have a positive outcome because it is seen as running away from the behavior rather than addressing it. Such a situation could do more harm to the student without resolving the situation (Limber & Small, 2003).

Currently, the various state laws, federal protections, and judicial rulings have only referenced public schools, with no mention of how independent schools address bullying. Given this significant void in the application of anti-bullying in the independent schools, the present study seeks to examine how independent schools address bullying and to ascertain to what extent federal and state laws are considered for guidance when formulating policy.

**Independent Schools and the Law**

In 2013, the National Association of Independent Schools (NAIS) published a guide to assist independent schools concerning federal laws. More independent schools are accepting federal monies as a result of the No Child Left Behind Act (NCLB)
(Wilson & Gold, 2013). Independent schools that receive federal financial assistance or that are considering receiving such assistance should understand the related legal consequences. By doing so, independent schools will be better able to assess adequately the ramifications of accepting such assistance and ensuring compliance with applicable laws.

Wilson and Gold (2013) wrote a report for the NAIS to assist the independent schools to understand better their federal legal obligations upon receipt of federal financial assistance as well as an explanation of federal legal obligations which do not depend on receipt of federal financial assistance. Many of the federal protections that apply to independent schools are relevant only to employees’ rights, such as the Age Discrimination Employment Act (ADEA) of 1975. On the other hand, several of the federal laws, including Section 504 of the Rehabilitation Act of 1973, Title VI of Civil Rights Act of 1964, Title IX of the Education Amendment of 1972, Protection of Pupil Rights Amendment, are relevant to students’ rights and may apply to schools that receive federal financial assistance.

Independent schools must follow the Americans with Disabilities Act, regardless of whether or not they receive federal funds. Schools must accommodate any student with a certified disability. Public and independent school cannot exclude an individual from taking part in any program that receives federal financial aid, and institutions must provide proper aid to the disabled individual to facilitate participation. The policy states that if disabled students can gain access by making minor adjustments, then an organization must make and maintain those adjustments.
The private school cannot charge extra for necessary accommodations. If the school provides special education programs, those programs must abide by the requirements and safeguards by which the public schools abide. If the school establishes an inability to provide necessary provisions, then the school must find an alternative school or educational facility near the student’s home. The school must provide the opportunity to participate in extracurricular events for handicapped and the non-handicapped students (Wilson & Gold, 2013).

In public schools, students and teachers can claim constitutional rights because the school operates as a government agency and the employees, including teachers and administrators are state agents. The Constitution protects persons from arbitrary governmental stripping of their constitutional freedoms. However, in religious schools, students and teachers cannot claim any constitutional rights because they are private institutions administered by private persons. Therefore, some actions not lawful in a public school may take place in independent schools. Specifically, independent schools can restrict student and teacher rights to freedom of expression, such as requiring students to wear uniforms and adhere to a dress code. These same restrictions are not permissible in a public school because they are in violation of the First Amendment.

Summary

The current literature does not address the ways in which independent school systems apply, or fail to apply, bullying laws and policies. Nonetheless, concerns about bullying in public school settings have led to litigation and legislative efforts to curtail this harmful practice. Furthermore, the legislative and research efforts by bullying
prevention researchers (Olewus, 1978) may be instructive to independent schools that similarly desire to decrease bullying in schools.
CHAPTER 3

METHODOLOGY

This study uses a qualitative research methodology (Merriam, 1998) to investigate bullying. Bogdan and Biklen (2007) defined qualitative research as conducting interviews using open-ended questions where the interviewees feel free to discuss the topic openly and with ease. This form of research utilizes several different empirical methods, such as case study, personal experience, artifact, historical, and cultural. Other elements in defining qualitative research consist of conducting interviews, conducting observations, and reviewing documents (Patton, 2002).

The following three research questions guide this study:

- How have federal and state laws about bullying influenced the policies and practices adopted by religiously affiliated independent schools?
- How has the bullying prevention research influenced the adoption of bullying policies and procedures by religiously affiliated independent schools?
- How are bullying policies and procedures conveyed and enforced by the religiously affiliated independent schools?

This chapter opens with a rationale for the use of qualitative methods and a definition of case study research (Yin, 2014; Merriam, 1998; Stake, 1995). Furthermore, the chapter describes the research design, participants, procedures, instrumentation, analysis of research data, trustworthiness, ethical considerations and positionality.
Qualitative Research

Qualitative research is a form of research that is helpful when seeking answers and in-depth details about different social situations and the individuals who work or live in these settings (Berg, 2004). Qualitative research methods offer a way of looking at the unquantifiable facets of individuals’ lives and professional worlds which the researcher can achieve through letters, photographs, newspapers, and interviews.

The qualitative research method enables a researcher to investigate the context of a phenomenon to understand the real-life setting, which is influenced by norms, beliefs, and values (Marshall & Rossman, 1999). Given the focus of this research study on the bullying phenomenon in the unique context of the private school setting, a qualitative method was used to emphasize the setting, context, and participants’ frames of reference. As McMillan and Schumacher (1989) point out, the qualitative research design is more fluid and flexible than the quantitative design. For the present study, the qualitative research design is appropriate because inquiries and discoveries about the bullying phenomenon in the unique private school contexts likely will evolve throughout the research process, thus precluding the establishment of those processes at the beginning of the study.

Qualitative research often expresses the story of the organization by conveying the stories of the participants. This type of research illustrates the people behind the statistics that give heart to the story. In conducting this type of research, the researcher faces the obligation to create a path to which individuals respond truthfully and comprehensively concerning their personal beliefs and thoughts about the program (Patton, 2002). As indicated earlier in this discussion, qualitative research takes many
different forms, and the method adopted for this research project is the multiple case study design.

**Case Study**

Marshall and Rossman (1999) state that the most common use of a case study is when the researcher is looking to focus on society and culture to create a result which is a concentration of the researcher’s and participants’ worldviews. Similarly, McMillan and Schumacher (1989) explain the case study method as an in-depth study of a group of students, school, program, or a concept without the manipulation of the surroundings. The present case study research design and focus incorporate the methods suggested by Yin (2014), Stake (1995), and Merriam (1997). There are notable similarities across the three researchers’ approaches with a few deviations (Yarzan, 2015).

Yin (2014) writes that the best way to determine a research method is by looking at the research questions. If there are more how or why questions, the study is typically concentrated on experiments, history, or case study (Yin, 2014). If there are more who, what, where, how much, and how many questions, the study is better suited for a survey or archival analysis (Yin, 2014). This study’s research questions seek to answer how and why and thus are better answered by in-depth interviews, incorporating a case study research method.

This study includes an examination of primary and secondary documents and interviews with key personnel responsible for creating, implementing, and enforcing bullying policies. During the interviews, the researcher observes the interviewee's body language and facial expressions, which are both elements of a case study method of research (Yin, 2014). Yin states that a case study is best when the researcher is looking
into a real-world case. According to Yin (2014), the definition of case study is a “two-fold definition: 1) covering the scope and features of a case study – shows how case study research comprises an all-encompassing method; and 2) covering the logic of design, data collection techniques, and specific approaches to data analysis” (p.18).

Similar to the guidance offered by Yin (2014), Stake (1995) asserts that case study research examines with a specific and complex single subject in mind. He further explains that the case study approach rests upon a naturalistic, holistic, ethnographic, and biographic research point of view. Merriam (1997), on the other hand, focuses on the final product of the case study design, which should be to provide a vivid description of a single subject.

**Research Design**

This study uses a multiple case study research design to investigate school policies and procedures on bullying at two religious – affiliated independent schools. Of particular interest in this research study is how the schools’ anti-bullying policies and procedures reflect federal and state laws. A single case study involves an in-depth and vigilant examination of a subject to avoid any misinterpretation and to enhance the ability to discuss the topic with those involved in the topic (Yin, 2011). When the research includes more than one site, the study is a multiple case study, which provides an opportunity to examine the similarities and differences between each site. Multiple case studies allow for in-depth analysis of each setting and rich comparisons across the settings along with allowing the researcher to examine a single phenomenon (Baxter & Jack, 2008). Yin (2009) explains how researchers use multiple case studies to look for a repetition of results or to illustrate differing results but for expected reasons.
This study investigates the policies and procedures concerning bullying in independent schools. The research examines two independent schools – both religious-affiliated. Examining the schools’ handbooks along with conducting interviews with key professionals at each school, including the headmaster, middle school principal, upper school principal, school counselors, and deans of students assists in understanding their policies and procedures.

The interview protocol utilizes open-ended questions designed to place participants at ease to encourage elaboration past each core question. The interviewer listens to the answers to ask unplanned questions, based on participant answers and the connectivity of the interviewer and the interviewee (Hatch, 2002). The questions are semi-structured to facilitate more elaboration on the part of the interviewee.

**Site and Participant Selection**

The researcher investigated two large, independent religious-affiliated schools’ policies and procedures in a southeastern state. Mountain of Trust Christian School is a religious school; with affiliation to the Trippler Christian International University (multidenominational) and has approximately 700 students enrolled. St. Andrews is a Catholic school that has a student population of approximately 500 (“SCISA: South Carolina Independent School Association: Member Listing,” 2014).

The researcher interviewed the school’s headmasters, upper-school headmasters, middle-school headmasters, deans of students, and school counselors. These participants vary based on the composition of the individual school’s administrative personnel. The researcher examined how state and federal laws, policies, and regulations influenced the development of each school’s policies, procedures, and rules. Additional insights about
the bullying policies and procedures were collected through careful examination of the student handbooks and past handbooks (if available) to see how the policies evolved over the years. Finally, the researcher conducted a comparison and contrast of each school’s rules, policies, and procedures concerning bullying and cyber-bullying.

Sandra Leatherwood (personal communication, October 27, 2017), Superintendent of Catholic Schools, stated that the Catholic Schools Office does not have a predefined policy for all schools. Instead, they expect schools to develop their policies based on their school culture and environment using the guidelines below.

1. All elementary and secondary schools of the Diocese shall actively seek to provide a supportive, caring environment that is safe from all forms of intimidation including bullying.

2. Bullying is repeated behavior involving a deliberate, conscious, intent to hurt, threaten, frighten, or humiliate someone.

3. Bullying may include: physical and/or verbal intimidation or assault; extortion or taking belongings; oral or written threats as well as cyber-bullying, on the internet and/or text messages; hazing, outrageous teasing, mocking, taunting, putdowns, or name-calling; threatening looks, gestures, or actions; cruel rumors; suggestive comments; false accusations, and/or social isolation.

4. Bullying behavior shall not be tolerated in any form at school or school-sponsored programs and activities.

5. All schools must develop and enforce anti-bullying policies and procedures (S. Leatherwood, personal communication, October 27, 2017).
Data Collection

One of the goals of the data collection process is to gain insight into each of the participants’ perceptions about the policies and procedures adopted and implemented in their respective institutions. In addition, this data will reveal how each individual perceives the interpretation and enforcement of policies and procedures that address bullying. Finally, details will be gathered from participants in an effort to further understand how federal and state laws and policies influence practices in independent religious affiliated schools. The individual interviews were conducted using the interview protocol in Table 3.1.

Table 3.1

Interview Protocol

<table>
<thead>
<tr>
<th>Data Source</th>
<th>Research Questions</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>How have federal and state laws about bullying influenced the policies and practices adopted by religiously affiliated independent schools?</td>
</tr>
<tr>
<td>Headmaster</td>
<td>√</td>
</tr>
<tr>
<td>Upper School Principal</td>
<td>√</td>
</tr>
<tr>
<td>Middle School Principal</td>
<td>√</td>
</tr>
<tr>
<td>Dean of Students</td>
<td>√</td>
</tr>
<tr>
<td>School Counselors</td>
<td>√</td>
</tr>
</tbody>
</table>
The school handbook will be analyzed for information that expands understanding and that specifically addresses the three overarching research questions:

- How have federal and state laws about bullying influenced the policies and practices adopted by religiously affiliated independent schools?
- How has the bullying prevention research influenced the adoption of bullying policies and procedures by religiously affiliated independent schools?
- How are bullying policies and procedures conveyed and enforced by the religiously affiliated independent schools?

Additionally, careful analysis of each school’s documents, including official publications, written reports, and memos, will help to identify how each school developed its policies and procedures and how these policies have evolved over the years (Patton, 1990). The policy on cyber-bullying in each school’s manual will be the most recent because the Catholic school introduced the use of iPads on school grounds in 2015, and the multidenominational school introduced the use of iPads on school grounds in 2014. Since the rules and policies for electronic devices in public schools is uncharted territory, finding out the influences regarding the implementation of those rules and policies in private schools will prove interesting. St. Andrews’ guidance counselor said in an interview that when the iPads were introduced to the school that their cyber policy was going to be a work in progress until it is firmly in place (Lindsay Wolfe, personal communication, May 20, 2014).

**Interviews**

The interview questions are open-ended and semi-structured to solicit more information from the participants. The open-ended questions tend to be the most
important questions when interspersed with closed questions because of their nature (Yin, 2011). Hatch (2002) points out that this type of questioning creates an environment that invites the interviewee to offer his or her perspective on the topic more readily than closed questions. As Yin (2011) states, the researcher will obtain more information from using open-ended questions since closed questions gain a one-word answer. The initial interview protocol is the same for each school, but individual interviews and discussions may necessitate clarifying follow-up questions to gain additional detail and description. Therefore, the interviews were unique because of their semi-structured nature (Roulston, 2010). The semi-structured interview style met the need for flexibility during interviews with various individuals at the independent schools. For example, some questions may not appear in the same sequence each time, and some questions might be left out because the interviewee answered it in a previous question. For purposes of expanding on ideas during the interview, the interviewer added additional or probing questions while at the same time allowing the interviewee to use their own language (Roulston, 2010).

To facilitate and maintain the integrity of the interview while taking notes, the researcher recorded each interview. As Bogden and Bilken (2007) state, some interviews were similar to a conversation due to the researcher’s past relationship with their organizations. Most of the interviews were similar to a guided conversation because they started with a broad, open-ended question to encourage the interviewee to discuss other aspects of the topic and offer more information than what was initially considered (Rubin & Rubin, 1995). Interviewees received prior notification that the study-maintained confidentiality through the use of pseudonyms for all participants in the written report.
Field Note Journal

After each interview, the researcher transcribed all interview notes to ensure an accurate account of all aspects of the interview. Additionally, the researcher transcribed each interview and compared the transcriptions to the written notes taken during the interview. During the site visit, the researcher also carefully documented and recorded unique characteristics about the school settings. Finally, the researcher reviewed the body language notes about each participant’s physical behavior and mannerisms during each interview.

Data Analysis

Creswell (2009) states that data analysis is looking at the open-ended questions and analyzing those answers during the collection process. Conducting continuous reflection during the interview enabled the researcher to ask more probing questions because one answer sometimes lead to a question the research did not consider until hearing the previous answer. As Merriam (1998), and Marshall and Rossman (1999) state, data analysis is an ongoing process that takes place during the same time that the researcher is collecting data. Ongoing data analysis makes the analysis more dynamic because as gaps appear, the researcher can go back and ask questions to fill in the gaps and expand the data collection.

Coding

Saldana (2011) defines coding as the process of identifying “a word or short phrase that symbolically assign[s] a summative, salient, or essence-capturing attribute for a portion of language-based or visual data” (p. 70). To discover patterns in the interview data, researchers use a coding method which assists in discovering word patterns
contained in the interview transcripts. This coding assists the researcher to develop his or her theory (Auerbach & Silverstein, 2003).

Evaluation coding is especially helpful because it is utilized for evaluating policy (Saldana, 2011). Creswell (2008) suggests that the researcher develop a codebook, which is a table with columns for the names of the different codes, definition of each code, and the code location in the transcript. This procedure is helpful when comparing coding from the different transcripts. To conduct the analysis, the researcher can use the codes to produce a description of a specific setting or people, along with specific themes.

Dominate themes were discovered after close analysis of the handbooks, external sources that the school use for formulation of policies, and interview transcripts. Once the themes were identified then common words or phrases were found in all sources and compiled below each theme. This enabled the ability to clump the different sources together to get an overall picture of each school.

**Case Study Analysis**

The analysis and coding process was guided by Maxwell’s (2013) research. The data was rearranged into categories and themes. Categories were gleaned from the interviewee’s responses and from review of the school manuals. These categories were – School Handbook, External Sources, Interviews, and Environment. To make the data more manageable, the researcher created labels for grouping statements and observations from the interviews, thereby limiting the number of codes (Maxwell, 2013). These labels became the different themes found in the research – Faith, Biblical/Scripture, Respect, Restorative, and Safety.
When analyzing the recorded interviews, the researcher focused on looking for common themes between each individual interview and in the group interview. Voice inflections or pauses that might signify a particular emotion and these events were included in the interview notes. After reviewing the recording for voice inflections or pauses, the researcher transcribed the recording. Reviewing the recordings prior to transcription improved the accuracy of the transcription. Upon completion of the transcription, the researcher listened to the recording a final time. At that point, the researcher began the coding process. To avoid confusion, the researcher performed the analysis looking for the themes on a single interview before conducting the next interview. The researcher repeated this pattern for each interview. Employing each coding type, reading the transcript, reviewing interview notes, and listening to the recording multiple times assisted the researcher in ensuring the accuracy of each transcribed document, and the multiple processes served to keep the subject matter fresh in the mind of the researcher.

The researcher compiled a list of all repeated words to see where similarities occurred across the different interview transcripts. This process continued for each interview. Once coding was complete, the researcher searched for similarities by charting all the words and the context in which they appeared.

Coding was the beginning of triangulation in the process. As Maxwell (2013) states, triangulation serves as a validity test strategy to assist in the elimination of bias. Triangulation of data was accomplished by comparison of the school administrator’s statements, the researcher’s notes, and documents from the schools (Denzin, 1970). Triangulation aided in painting a clearer picture of how each school handles and
perceives bullying within their community. According to Yin (2003), several methods can assist with strengthening the validity of research of this type. In this study, data triangulation was used to reach a convergence of critical information to support development of data gathered from different themes, specifically, triangulation of the interviews, documents, and the environment.

The goal of data triangulation is to create a more accurate picture of each school (Marshall & Rossman, 1999; Bechhofer & Paterson, 2000; Yin, 2003) and to provide multiple sources of data for comparison and confirmatory purposes. The researcher used pattern matching to determine whether the participants’ statements matched their actions. According to Berg (2004), “… conclusions drawn from the patterns apparent in the data must be confirmed (verified) to assure that they are real and not merely wishful thinking on the part of the researcher” (p. 40). The verification process of retracing data paths helped control for researcher bias.

**Cross-case Analysis**

The cross-case analysis took place during the comparison of the coding from each of the separate interviews. Conducting cross-case analysis allowed for detection of commonalities in each interview, and in finding commonalities between the two different schools. The researcher expected those commonalities to appear in the ways in which the schools defined bullying, enforced bullying policies, and were influenced to establish those policies and procedures. During this analysis, the researcher found that one theme, Biblical/Scripture, was not as evident in the Catholic school as was in the Christian school. Faith, respect, restorative, and safety were all evident in both schools along with their publication and the external sources.
**Trustworthiness**

Lincoln and Guba (1985) state that the goal of trustworthiness is to search for value in the qualitative data, analysis, and interpretation. Trustworthiness incorporates five criteria: credibility, dependability, confirmability, transferability, and authenticity (Lincoln & Guba, 1985). One strategy to build trustworthiness in data collection is member checking. This strategy provides feedback to participants so they have input about whether or not they think the interpretations are reflective of their reality. Lincoln and Guba (1985) consider member checking to be the single most crucial provision a researcher can use to bolster a study’s credibility. Member checks relate to the accuracy of the data and may take place instantaneously during the data collection dialogues. Member checking covers a range of activities including returning the interview transcript to participants and conducting a member check interview using the interview transcript data. Here the emphasis should be on whether the informants consider whether or not their words match what they intended. Another element of member checking should involve verification of the investigator’s emerging theories and inferences as they formed during the dialogues. When making sense of field data, the researcher cannot merely accumulate information without regard to what each piece of information represents regarding its possible contextual meanings.

Additionally, Lincoln and Guba (1985) suggest implementing an Audit Trail, which is an auditor or second party who becomes familiar with the qualitative study, its methodology, findings and conclusions. The auditor can audit the research decisions and the methodological and analytical process of the researcher upon completion of the study, thus confirming the findings. Lincoln and Guba (1985) discuss six categories of information that need to be collected to inform the audit process: raw data, data reduction
and analysis notes, data reconstruction and synthesis products, process notes, materials related to intentions and dispositions, and preliminary development information. The audit enables a researcher to reflect on how the study unfolded. The research audit trails are a valuable tool in enabling other researchers/readers to confirm the research findings. Quality findings, uncovered through an in-depth and transparent research process are critical when used as the basis for further research studies. Through examining a research study and its audit trails, other researchers can independently judge whether research inferences are logical, whether findings are grounded in the data, and whether a study’s research process is suitable as a basis for further study. Thus, despite their limited development in practice, research audit trails are an essential strategy in confirming qualitative research.

**Ethical Considerations**

When conducting qualitative research, researchers must protect the privacy of participants. This study used pseudonyms for the schools and the participants to ensure privacy. The design of the study eliminated any possible hazards to participants by informing them of the purpose of the study, obtaining voluntary participants, and promising confidentiality. Permission to conduct the study was granted via application to the University of South Carolina Institutional Research Board (IRB), the three independent school principals, and the individual participants. Each school was contacted for permission to interview the school officials that are responsible for enforcing school policy. Field notes utilize pseudonyms for the participating schools and school members.
Positionality

As an alumna of a South Carolina independent school, I understand the context of this type of school. My position is that of both insider and an outsider. I am an insider because I am the product of the independent system but I am an outsider because the school that I attended is not among those being studied. Being an insider helped with gaining access to the administrators and the faculty.

Twenty years ago, teasing and bullying existed in schools, but cyber-bullying did not. By modern standards, the teasing and bullying that took place during my school years were far milder than the bullying that takes place in the 21st century. The worst incident that I witnessed in school was the class pest being placed into a drain culvert. In the 1980s, teasing and bullying took place on the playground, in the lunchroom, on the telephone, or in the backyard. Today, bullying can take place in all of those places as well as on the Internet.

Summary

The focus of Chapter III is the methodology for the research design of this case study on bullying in independent schools. This chapter provides a rationale for the use of qualitative methods and a discussion of the appropriateness of the case study method. In this chapter, the researcher discussed how the qualitative research method facilitates delving into the laws, policies, and procedures concerning bullying in independent schools. The chapter describes the participants, setting, and interview procedures ethical considerations used throughout this qualitative study.

Chapter IV (Mountain of Trust Christian School) and Chapter V (St. Andrews Catholic School) provides a brief history of each school, explains the creation and
enforcement of each school’s policies and procedures concerning bullying, and presents the data that emerged from the interviews and focus groups at each of the independent schools. Chapter VI provides a cross case analysis and a summary of the entire study along with recommendations for future research.
CHAPTER 4: CASE STUDY OF
MOUNTAIN OF TRUST CHRISTIAN SCHOOL

This chapter is organized into four sections: (a) overview of Mountain of Trust Christian School, (b) discussion of the handbook’s policy on bullying and harassment, (c) data analysis of the handbook, interview transcripts, along with any supplemental material used to form the policies and procedures, (d) thematic development, and (e) a chapter summary.

**History of Mountain Trust Christian School**

On September 6, 1988, a convocation and grand opening ceremony in the new Mountain of Trust Christian School gymnasium welcomed a total of 243 students in grades seven through twelve (112 boarding students and 131-day students). In 2019, there are over 700 students in grades Pre-K through 12 with 80 international students that are boarded on campus grounds. The international students are children of missionaries and primarily from China, Korea, and countries in Africa. The school is accredited and a member of three different entities: ACSI (Association of Christian Schools International), SACS (Southern Association of Colleges and Schools) and SCISA (South Carolina Independent School Association).

Mountain of Trust Christian School opened its doors to sixth-graders in 1989, with one class of 24 students. Their classroom was downstairs with the seventh and eighth-grade classrooms, but they didn’t change classes like all the older students. When the bell rang, and they were expected to stay in their seats and continue with a completely
different schedule of their own. In order to make space for more interested students, the administration had to move the middle schoolers to a separate facility. They also found that sharing a building with the high school students made the transition emotionally difficult for the middle schoolers, who were not quite mature enough to interact with the older students. They did not understand why they were not afforded the same privileges and treatment as the older students and (Jeffcoat, 2005).

**School Personnel**

There were one-hour interviews with three of the school personnel: Assistant Principal/Spiritual Life Coordinator, James Derrick; Lower School Principal, Thomas Nalley; and Middle School Principal, James Wessinger. As Table 4.1 illustrates, they were all male and white with varying lengths of employment at Mountain of Trust.

Table 4.1

*Participant demographic information – Mountain of Trust Christian School*

<table>
<thead>
<tr>
<th>Name</th>
<th>Race</th>
<th>Gender</th>
<th>School Role</th>
<th>Years Employed at This School</th>
</tr>
</thead>
<tbody>
<tr>
<td>James Derrick</td>
<td>White</td>
<td>Male</td>
<td>Assistant Principal for the Upper School Spiritual Life Coordinator</td>
<td>12</td>
</tr>
<tr>
<td>Thomas Nalley</td>
<td>White</td>
<td>Male</td>
<td>Lower School Principal Head of Lower School Discipline</td>
<td>9</td>
</tr>
<tr>
<td>James Wessinger</td>
<td>White</td>
<td>Male</td>
<td>Middle School Principal</td>
<td>1</td>
</tr>
</tbody>
</table>
School Property

The school is located on the grounds of Trippler International University, a Christian university that offers degrees in many different fields including theology. The entire campus is located outside of the city in an area that provides room for expansion. Because of the school’s international population, there are boarding houses for students from abroad and out-of-state. These houses are provided by the school with house parents whose only job is to provide for the well-being of the students entrusted to their care. The homes are located around a large pond on the property. Each home has a nice sized backyard in which the children play.

Upon entering the school building, the first things that visitors see are scripture passages above each doorway. There is a display from the art program for the lower school. On my second visit to the school, the hallways and classroom doors were decorated in honor of the teachers. The PTA had decorated on the weekend served the teachers breakfast each morning.

Mountain of Trust Handbook

When Mountain of Trust begins to formulate their policies and procedures, they reference the laws of the land to make sure they are in compliance. They primarily base their policies and procedures on those of the Department of Homeland Security, along with some information from the Trippler County Sheriff’s Department and a bullying workshop hosted by Creekside Baptist Church (Nalley, personal communication, March 14, 2019).

The Mountain of Trust handbook provides a comprehensive overview of the school mission and the guiding policies and procedures related to school operation. The
handbook is distributed to all students, parents, faculty, and staff. The policies and procedures concerning bullying and harassment focus not only on rules against bullying but also identify expected behaviors of students. For example, students are expected to demonstrate obedience and respectful compliance to all faculty, staff, and administration. Students are expected to exhibit behavior that is loyal to scriptural guidelines and the mission and policies of the school. According to policy, when a student misbehaves, consequences are formative, not punitive, in nature. In addition, the policy applies to behavior both on and off campus, including when school is not in session. Administration has discretion to assign specific consequences up to and including suspension/expulsion for any behavior that is against the school policies or mission. ("Mountain of Trust Handbook," 2019).

**Harassment and Bullying Policy.** Mountain of Trust guards the right of every student to have a learning environment that respects human dignity. Their policy states that harassment of students is contrary to scripture, morally wrong, and illegal. Mountain of Trust expressly forbids sexual harassment (opposite sex or same sex) or any threatening or offensive conduct or expressions with respect to gender, gender identity, sexual orientation, race, color, national origin, disability, or age ("Mountain of Trust Handbook," 2019).

Harassment can include a pattern of remarks, gestures, jokes, physical contact, teasing, excessive attention, bullying, picture(s), or written material that a person finds personally threatening, derogatory, offensive, or unwanted. If a student has a feeling of being harassed, the student should tell the person doing the harassing that he/she is being offensive and notify a teacher or administrator ("Mountain of Trust Handbook," 2019).
Mountain of Trust defines bullying as “any unwanted, aggressive behavior among school aged children that involves a real or perceived power imbalance. The behavior is repeated, or has the potential to be repeated, over time.” Bullies “use their power - such as physical strength, access to embarrassing information, or popularity - to control or harm others. Power imbalance can change over time and in different situations, even if they involve the same people.” This includes making threats, spreading rumors, attacking someone physically or verbally, and excluding someone from a group on purpose, actions that a reasonable person would consider inappropriate. If any student is initiating or persisting in any form of harassment (including bullying) - verbal, physical, or visual, the student is subject to immediate discipline by the principal ("Mountain of Trust Handbook," 2019).

If a student finds the environment hostile or offensive, believes harassment or bullying has occurred, the student should promptly tell a teacher or administrator. All reports will be investigated confidentially and appropriate action will be taken. If a student disagrees with the school’s actions in the matter, the student should discuss the concerns with the principal ("Mountain of Trust Handbook," 2019).

**iPad Acceptable Use Policy.** All students must sign the iPad Acceptable Use Policy before receiving their school issued iPad. This policy specifically prohibits student use that may be considered bullying, harassing, or inappropriate. For example, each student is reminded to communicate only in ways that are kind and respectful. Students also must agree to not bully others online, and not tolerate those who engage in bullying. Students who choose to violate any of part of the policy will be subject to discipline as deemed appropriate by the school ("Mountain of Trust Handbook," 2019).
Data Analysis

Data were gathered through individual interviews with key personnel responsible for creating, implementing, and enforcing bullying policies. The interview protocol included open-ended questions in order to encourage the interviewees to feel free to discuss the topic openly and with ease. This study also included an examination of primary and secondary documents. During the interviews, the researcher observes the interviewee's body language and facial expressions, which are both elements of a case study method of research (Yin, 2014). Descriptive, value coding, and evaluation coding are four types of codes that lend themselves to coding this type of data.

Descriptive coding is finding a word that describes the topic of the passage from the interview. Value coding will include an examination of data to determine the attitudes and beliefs of the subjects during the interview. Evaluation coding was emphasized during the data analysis phase because it is utilized when evaluating policy (Saldana, 2011). Creswell (2008) suggests that the researcher develop a codebook, which is a table with columns for the names of the different codes, definition of each code, and the instance of where the code location in the transcript. This mechanism assists in comparing the coding in the different transcripts. The data will be examined in an attempt to answer the following three research questions:

- How have federal and state laws about bullying influenced the policies and practices adopted by religiously affiliated independent schools?
- How has the bullying prevention research influenced the adoption of bullying policies and procedures by religiously affiliated independent schools?
How are bullying policies and procedures conveyed and enforced by the religiously affiliated independent schools?

**Thematic Development**

Thematic development occurred through the comparative analysis of documents, interviews, and environment. After a review of the school’s handbook and external documents (Homeland Security site, Creekside Baptist Church, and County Sheriff’s Office), interviewing the Headmaster of the Middle School, Lower School, and Assistant Headmaster of Upper School/Spiritual Leader, and observing the school’s environment, several themes emerged consistently across all of the data points. The themes that emerged were: Faith, Biblical/Scripture, Respect, Restorative, and Safety.

Individual interviews with three different research participants provided rich data for analysis and subsequent thematic development. In addition to the interviews there is rich document review along with the atmosphere of the school.

*Figure 4.1:* Emerging Themes for Case Study Mountain of Trust Christian School
Figure 4.1 shows the overlap of themes emerging after analyzing data from the documents, interviews, and the environment. Across these three sources of data, the primary themes, faith, Biblical/scripture, respect, restoratives, and safety, emerged. Bullying Prevention Practices was a strong focus in the external document from the Trippler Sheriff Department.

The external documents, were more focused on respect, restorative, and safety whereas the handbook was focused more on Faith and Biblical/Scripture. This contrast revealed how the secular influence was not directly reflected in the handbook. The Department of Homeland Security and the Trippler County Sheriff’s Department bullying prevention flyer on their website did not have any Biblical/scripture themes. Whereas the letter from the Director of Spiritual Development and the Creekside Baptist Church had numerous faith and Biblical/scripture themes as well as the respect and restorative themes.

**Faith.** The first theme, Faith, is an explicit theme across all the research points. It is illustrated in the Handbook through such passages as: “glorify God,” “equipping students spiritually,” “raising Christian scholars,” “our biblical role is to work in conjunction with the home to mold students to be Christ-like,” and “we believe that these guidelines will allow the students to grow and become diligent stewards of God’s Kingdom.” ("Mountain of Trust Handbook," p. 4, 7, 2019). When looking at the external documents, those used by Creekside Baptist Church illustrates faith with such passages as: “to help students grow as Jesus grew,” “we say the love of God is in us,” “spiritual growth opportunities,” “immediate goal of stopping the bully and protecting the victim and a longer vision for teaching children how to live in relationships,” “teach them
personal responsibility and godly fidelity in whatever they do,” and “the Lord is going to do in and through our students through the school year.” Each of the interviews reiterated the theme of faith. Mr. Derrick stated “our ultimate goal is spiritual formation but if we don’t get that we will take behavioral modification,” “a heart change and that is our ultimate goal from a Christian standpoint,” “to protect our overall flock.” (personal communication, March 14, 2019). In Mr. Nalley’s interview, faith was apparent in this statement “we ask WWJD (what would Jesus do) as a component of our discipline,” “they are more Christ centric; fully recognize who God is and loves them despite flaws.” (personal communication, March 19, 2019).

**Biblical/Scripture.** The next theme that emerged was Biblical/Scripture. This is recognized across all data points either in paraphrasing scripture, biblical examples, or quoting actual passages. Mountain of Trust handbook has a statement of faith that all students and parents must pledge to abide by. All students are to exhibit “full trustworthiness of the scripture” and “pursue His Kingdom in all their future endeavors.” The handbook has several quotes from the Bible such as the following:

“If we live by the Spirit, by the Spirit let us also walk” (Galatians 5:16-28)

“All have sinned and fall short of the glory of God” (Romans 3:23)

The handbook also states that a student can appeal a discipline action in keeping with Matthew 18. This chapter is divided into six subsections: The Little Children (18:1–5), Jesus warns of offenses (18:6–7), If thy hand offend thee (18:8–9), Parable of the Lost Sheep (18:10–14), Binding and loosing (18:15–22), Parable of the unforgiving servant (18:23–35) ("Mountain of Trust Handbook," 2019).
In the interviews, the participants said that they used biblical values in disciplining the children at school. This is illustrated when Mr. Derrick states “how we treat others from a Biblical perspective” and “discipline is a form of love; it is very biblical; extremely biblical and people want to push back against that.” (personal communication, March 14, 2019). In Mr. Derrick’s letter to the parents and students, he states “school theme of GROW is taken from Luke 5:52”. This passage states “And Jesus kept increasing in wisdom and stature, and in favor with God and men.” Mr. Nalley quoted Deuteronomy 6 as being a passage that all parents must teach their children:

“Hear, O Israel: The LORD our God, the LORD is one. 5 Love the LORD your God with all your heart and with all your soul and with all your strength. 6 These commandments that I give you today are to be on your hearts. 7 Impress them on your children. Talk about them when you sit at home and when you walk along the road, when you lie down and when you get up.”(personal communication, March 19, 2019).

In an article shared with Mountain of Trust school from Creekside Baptist Church, it quoted “we are called to be stewards of what God has created” (Psalms 24:1) as a way of explaining why children should not be a quiet bystander when bullying is taking place.

Upon entering the school building, your eyes are drawn to the top of the door frame. Above each door frame, there are scripture passages of encouragement for the teachers, parents, children, and visitors to read and ponder. Some of those were:

“Children are a gift from the Lord; they are a reward from him. Children born to a young man are like arrows in a warrior’s hands.”

(Psalm 127:3-4)
“Start children off on the way they should go, and even when they are old, they will not turn from it.” (Proverbs 22:6)

“You have been taught the holy Scriptures from childhood, and they have given you the wisdom to receive the salvation that comes by trusting in Christ Jesus.” (2 Timothy 3:14-15)

“All your children will be taught by the Lord, and great will be their peace.” (Isaiah 54:13)

“Discipline your children, and they will give you peace of mind and will make your heart glad.” (Proverbs 29:17)

“Fathers, do not provoke your children to anger by the way you treat them. Rather, bring them up with the discipline and instruction that comes from the Lord.” (Ephesians 6:4)

Respect. The next theme the data revealed is respect. In the school handbook, this is discussed in the following ways: “respect others, authority, self, and property,” “defined as human dignity,” “Ipads to communicate only in ways that are kind and respectful,” and “harassment is contrary to Scripture, morally wrong, and illegal.” ("Mountain of Trust Handbook," 2019). In the letter from the spiritual leader, Mr. Derrick, he states that there are “six areas of growth: Honor, Respect, Love, Purity, Integrity, and Self-Control.” (personal communication, March 19, 2019). In the Creekside Baptist Church material on bullying, it states that “for the bully the focus will be on showing respect, putting the other person first, and seeking forgiveness.” In the interviews, Mr. Derrick, Mr. Nalley, and Mr. Wessinger stress that respect flows from creating relationships with the children and God. Mr. Derrick stated “respecting ourselves, respecting others, respecting God,” “building relationships with these kids,”
and “we want to hit the passive bystander because they are the ones that if you can get them then the bullying itself will decrease.” (personal communication, March 19, 2019).

Mr. Wessinger stated in order to achieve respect they must work with “three most important resources that they have – their faith, their finances, and their family.” (personal communication, March 19, 2019).

The school environment reflected respect in many ways. The students showed respect when they were leaving from one classroom to the library. They went quietly, single file to stand outside the library door awaiting the librarian to welcome them into the room. The building had been decorated that week by the PTA because they were honoring the teachers that week. The parents had entered the building over the weekend and decorated all the doors and rooms to show their appreciation along with bringing in treats for the teachers for breakfast and lunch. By doing this, the parents were modeling respect for the teachers for the children to follow. Over the main door before you exit the building, one can see the following scripture passage which illustrates respect:

Children, obey your parents in the Lord, for this is right. “Honor your father and mother”—which is the first commandment with a promise— “so that it may go well with you and that you may enjoy long life on the earth.” (Ephesians 6:1-3)

Restorative. Mountain of Trust school does not just believe in punishing the child for misbehaving but in trying to restore the child. This is illustrated in their handbook when they state: “consequences are meant to be formative not punitive in nature,” “fruits of repentance need to be evident,” and “behavioral contract demonstrates the student’s commitment to change and applying themselves to the behaviors and attitude to which God has called them.” ("Mountain of Trust Handbook," 2019). Mr. Derrick stated that
“restorative because I want our kids to grow, but also there are consequences for sin” and “emotional stability is just as important as anything academic or physical.” (personal communication, March 14, 2019). The environment of the school is geared toward the handbook policy of emphasizing restorative practices for all students.

**Safety.** Safety is the final theme that emerged from the research. The school handbook addresses safety in the forms of the person and of the property. They state that they “will make every effort to preserve student dignity and protect general student privacy.” They also state that they have “the right to search student lockers and student personal belonging/possessions (e.g., clothing, bag, vehicle, digital files, electronic devices, etc.) if there is reason to suspect contraband, inappropriate materials, and/or any material, substances, or information that are not allowed at Mountain of Trust, could pose a safety risk to students, or may be illegal to possess.” ("Mountain of Trust Handbook," 2019).

The Department of Homeland Security tip sheets discuss safety as an issue in the public schools. They state that “social issues such as mental health, bullying, and criminal profiling play a critical role in the prevention of gun violence in schools,” “zero tolerance programs are problematic,” “make sure the school has a bullying zero-tolerance policy and that it is enforced,” and “teach your kids to think about safety when using a cell phone.” (K-12 School Security: A Guide for Preventing and Protecting Against Gun Violence., 2018).

In the interviews, Mr. Derrick stressed that bullying is a safety issue at the school (personal communication, March 12, 2019). Mr. Wessinger discussed school wide training to battle bullying as a safety measure so students, parents, teachers, and staff
understand how to handle and recognize bullying when it happens and how to curb it (personal communication, March 19, 2019).

Safety measures are obvious within the school. For example, anyone entering the school who is not a teacher or student must press a buzzer and look into a camera. Once inside, you are greeted and must introduce yourself and explain why you are there. When I entered the building and explained who I was to see, I was then escorted to building where his office was located. After one of the interviews, it was time for the children to go home. They were all seated in the corridor with cardboard numbers in their hands. Once outside, I observed that the cars waiting in line had numbers on their dashboards. The child with the corresponding number would be called to get into the waiting vehicle to go home.

Summary

This chapter began with a reiteration of the research procedures along with the research questions. In analyzing the school handbook, outside source documents that the school uses, conducting interviews, and observations of the school, rich data analysis revealed five themes: (1) Faith, (2) Biblical/Scripture, (3) respect, (4) restorative, and (5) safety. The combination of these themes all influence the way policies and procedures are proposed, evaluated, and enforced at Mountain of Trust Christian School. In the next chapter, I will review the second case in my multi-case study, St. Andrews Catholic School.
CHAPTER 5

CASE STUDY OF ST. ANDREWS CATHOLIC SCHOOL

The purpose of this qualitative research study is to determine how religious-affiliated independent schools have responded to the bullying epidemic. The research examines two independent schools – both religious-affiliated. Examining the schools’ handbooks along with conducting interviews with key professionals at each school, including the headmaster, middle school principal, upper school principal, school counselors, and deans of students assists in understanding their policies and procedures.

The following three research questions guided the data collection efforts in this study:

- How have federal and state laws about bullying influenced the policies and practices adopted by religiously affiliated independent schools?
- How has the bullying prevention research influenced the adoption of bullying policies and procedures by religiously affiliated independent schools?
- How are bullying policies and procedures conveyed and enforced by the religiously affiliated independent schools?

This chapter is organized into four sections: (a) overview of St. Andrews Catholic School, (b) discussion of the handbook’s discussion of bullying and harassment policy, (c) data analysis of the handbook, interview transcripts, along with any supplemental material used to form the policies and procedures, (d) thematic development, and (e) a chapter summary.
History of St. Andrews Catholic School

The history of St. Andrews Catholic School is a rich one, reaching back to 1834 when the Ursuline Sisters arrived in Victorville, SC from their native Ireland. Through the efforts of the Right Reverend John England, South Carolina’s first Bishop, the Sisters were sent from Ursuline Convent to begin a work that endures to this day. In 1961 the Catholic High School of Trippler moved to its new home in downtown Trippler and its name was changed to St. Andrews Catholic School. The new location consisted of an eight-acre lot where they built nine classrooms, a library, chapel, cafeteria, kitchen and several offices and utility rooms. In 1971 the School celebrated a new, well‐equipped gymnasium containing more classrooms and a weight room. Five additional classrooms were constructed to accommodate an increased enrollment in 1974. In 1977, the practice football field was upgraded with the installation of seating and lights. That very year, the school hosted five home football games. By 1978, the School’s enrollment doubled and almost every aspect of the school was remodeled to include a new science laboratory, faculty room and library. That year also marked the growth of the School’s curriculum, which was now supplemented by honors courses and specialized electives. Teachers and coaches were recruited from across the country so that students would benefit from the best‐qualified faculty. In its efforts to provide Catholic education to as many students possible, St. Andrews Catholic School began its operation of a Middle School (grades 7 and 8) in 1989. The building, which formerly served as the Ursuline Convent, was thoroughly renovated and welcomed over 100 students. In January of 2016, St. Andrews moved to a state‐of‐the‐art, 50‐acre campus at in the northeast region of the city.
The school is accredited through the National Catholic Educational Association, the College Board, the South Carolina Independent Schools Association (SCISA), the Southern Association of Colleges and Schools (SAC), and the Association of Supervision and Curriculum Development.

**School Personnel**

There was one, two-hour interview at the school consisting of the following: Associate Principal, Dean of Discipline (Grades 7-9), Middle School Principal, Assistant Principal of Operations and Discipline (Grades 10-12), and Assistant Athletic Director. As you can see from Table 5.1 the personnel consisted of two males, three females, all were white, and had varying lengths of employment at St. Andrews Catholic School.

Table 5.1

*Participant demographic information – Saint Andrews Catholic School*

<table>
<thead>
<tr>
<th>Name</th>
<th>Race</th>
<th>Gender</th>
<th>School Role</th>
<th>Years Employed at This School</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kim Hatfield</td>
<td>White</td>
<td>Female</td>
<td>Associate Principal</td>
<td>10</td>
</tr>
<tr>
<td>Tara Shealy</td>
<td>White</td>
<td>Female</td>
<td>Dean of Discipline for Grades 7-9</td>
<td>12</td>
</tr>
<tr>
<td>Annie Oakley</td>
<td>White</td>
<td>Female</td>
<td>Middle School Principal</td>
<td>1</td>
</tr>
<tr>
<td>Andrew Maris</td>
<td>White</td>
<td>Male</td>
<td>Assist. Principal of Operations &amp; Discipline Grades 10-12 Head Baseball Coach</td>
<td>3</td>
</tr>
<tr>
<td>Homer Caughman</td>
<td>White</td>
<td>Male</td>
<td>Assistant Athletic Director, Head Football Coach, PE Instructor</td>
<td>6</td>
</tr>
</tbody>
</table>
School Property

St. Andrews Catholic School includes grades 7-12 and has a goal of educating as many students possible. Their current enrollment is close to 600 students. St. Andrews moved from a downtown location to a state-of-the-art, 50-acre campus just outside of town. When approaching the campus, it feels as if you are in the country because there are woods and a small creek. When turning into the school, the first thing to catch the eye is a red dome with a cross on top which covers the center of the main building. The window braces are in the shape of a cross. Upon entering the doors, you see a beautiful stained glass mural beside the door leading into the chapel depicting the patron saint of the school. Inside the front office, on an easel, there is a picture of the girls’ basketball team taken after they won the SCISA state championship for the first time in the school’s history. Students in the hall and office are all friendly and speak politely to everyone they encounter even those they do not know.

St. Andrews Catholic School Handbook

The St. Andrews handbook includes comprehensive policies and procedures concerning bullying and harassment. According to the handbook, St. Andrews strives to create a community where all are treated with dignity, respect, and compassion. The prohibition against bullying and harassment applies to all students in the school building, on school property, or at any time while representing the school. Bullying and harassment are both defined in the handbook with several examples provided to distinguish the different types of bully and harassment behaviors. Some of their handbook definitions are as follows:
Cyber bullying/harassment includes but is not limited to offending, harassing or threatening others through technological means. This can happen through email, instant messages, web pages, blogs, video and digital photo images, social networking media, YouTube, Virtual Reality sites, texting or sexting. This is considered inappropriate speech when it involves: obscene, profane, lewd, vulgar, rude, inflammatory, threatening, or disrespectful messages. This includes posting information that could cause damage, danger, or disruption of the educational process. These postings include personal attacks, prejudicial or discriminatory attacks, false or defamatory information about a person. Individuals using technological communication to intimidate, bully, harass, or embarrass others in any area included in this policy. Students’ home and personal use of technology can have an impact on the school and on other students. If a student uses their personal devices to send threatening messages to another student or sends a violent web site, this creates a potential disruption of the educational process. The student will face school discipline as well as criminal penalties.

Physical bullying/harassment includes unwanted physical touching or contact, which is defined as shoving, pushing, bumping, hitting, or slapping, tripping, poking, kicking, scratching, deliberate impeding or blocking movement, or any intimidating interference with normal movement or work. It also includes damaging or destroying another’s belongings or property or physical acts that are demeaning and humiliating but not bodily harmful.

Sexual harassment/bullying is defined as any unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature. Sexual harassment bullying may also include spreading sexual rumors or making sexually
suggestive or sexually abusive remarks. This form of conduct is made either explicitly or implicitly as a condition of an individual’s educational development, participation in a school-related activity, or employment. Submission to or rejection of such conduct by an individual is used as the basis for educational or employment decisions affecting the individual. This form of bullying/harassment has the purpose or effect of unreasonably interfering with an individual’s school or work performance, or by creating an intimidating, hostile, or offensive school or work environment.

*Social/relational bullying/harassment* is the diminishment of another’s sense of self or damaging someone’s social status, relationships, or the reputation of another. This can be done through ignoring, isolating, excluding, or shunning the individual. It is also accomplished through a pattern of behaviors whereby a student or a group of students picks on another student or treats her/him in such a way that makes her/him feel uncomfortable or alienated. This can be done by spreading false or malicious rumors; gossiping or revealing personal information which would be embarrassing or publicly humiliating to the student or group of students.

*Verbal bullying/harassment* is defined as, but not limited to, being in oral or written form derogatory comments, jokes, slurs, off-color language, or innuendoes which can be belligerent or threatening words communicated to another student such as name-calling, sarcasm and put-downs, mocking, belittling, hurtful teasing, taunting.

*Visual bullying/harassment* is defined as derogatory, demeaning, or inflammatory posters or locker signs, cartoons, written words, drawings, video or photographic images, novelties, or gestures (including subtle gestures such as aggressive stares, eye rolling,
sighs, frowns, sneers, snickers, and/or hostile body language (St. Andrews Handbook, 2018. pp. 40-42)).

Data Analysis

Data were gathered through individual interviews with key personnel responsible for creating, implementing, and enforcing bullying policies. The interview protocol included open-ended questions in order to encourage the interviewees to feel free to discuss the topic openly and with ease. This study also included an examination of primary and secondary documents. During the interviews, the researcher observed the interviewee's body language and facial expressions, which are both elements of a case study method of research (Yin, 2014). The data was examined in an attempt to answer the following three research questions:

- How have federal and state laws about bullying influenced the policies and practices adopted by religiously affiliated independent schools?
- How has the bullying prevention research influenced the adoption of bullying policies and procedures by religiously affiliated independent schools?
- How are bullying policies and procedures conveyed and enforced by the religiously affiliated independent schools?

Thematic Development

Thematic development occurred through the constant comparative analysis of the data points – documents, interviews, and environment – the themes emerged. After reviewing the school’s handbook, interviewing the Associate Principal, College Counselor, Dean of Discipline for Grades 7, 8, and 9, Dean of Discipline for Grades 10, 11, and 12, and Assistant Principal for Operations and Activities, and examining
supplemental materials, several themes have emerged consistently across all of the data points. Figure 5.1 shows the overlap of themes emerging across the three data sources of. The primary themes are faith, respect, restorative, and safety.

**Figure 5.1. Emerging Themes for Case Study of St. Andrews Catholic School**

**Faith.** The first theme, Faith, is an explicit theme across all the research points. Although they are strongly faith based, St. Andrews Catholic School does not vocalize their beliefs in that same way that Mountain Christian School does. The school expressed faith several ways within the handbook. As illustrated when discussing the school’s environment:

“offer a holistic learning experience built on Catholic Values”

“that God’s love and Divine Providence sustain and guide us”

“that truth, integrity and faith, as articulated in the gospel of Jesus Christ, are at the heart of Christian formation” (*St. Andrews Catholic School Handbook. 2018*)

Ms. Hatfield discussed that the school has retreats for the students to explore issues that are important to them and all “the retreats are faith based.” She also expressed
that their handbook uses “the diocesan bullying and harassment policy” (personal communication, April 29, 2019). Coach Maris expressed that all the faculty and staff must complete the “certification process that is a small curriculum through the diocese” (personal communication, April 29, 2019).

The handbook discusses how students learn at the school as illustrated in the following quotes:

“that each student can become a self-disciplined learner;”

“that the support and collaboration of parents with the faculty, staff, and administration are essential”

“all individuals are “created in the image and likeness of God.” (St. Andrews Catholic School Handbook. 2018)

St. Andrews strives to establish meaningful and effective relationships based on faith:

“Our personal relationship with God, with each other, and with the Church community will affect the way your child relates to God and others.”

“Ideals taught in school are not well rooted in the child unless these are nurtured by the example of good Catholic/Christian morality and by an honest personal relationship with God in your family life.” (St. Andrews Catholic School Handbook. 2018)

The school utilizes the National Catholic Education Association resources for establishing their policies in the handbook. Every other year, Assistant Principal Hatfield attends a Law Symposium sponsored by the organization. The National Catholic
Education Association had an article that the school uses as a reference when writing their policies. The NCEA article states that:

“believe compassion for the bully and forgiveness are the answer”

“we tend to the wounded hearts of the bullies, it sets an example for everyone of God’s grace and compassion, and can transform even the meanest child into a messenger of love and hope”

“Curiosity leads to compassion. BE curious” (St. Andrews Catholic School Handbook. 2018)

**Respect.** Respect is discussed in many ways in the handbook by looking at the way students look at authority, communication, and creating a community.

“five ‘Pillars of the St. Andrews Way’ that all parents and students must consistently practice.” (p.28)

“To divide authority between school and home or within the home will only teach disrespect of all authority.”

“I will demonstrate good judgment in dress, communication, and conduct”

“a school that strives to create a community where all individuals are treated with dignity, respect, and compassion”

“Student behavior should reflect that of Christian young women and men who are aware of their obligations to respect other people and property.” (St. Andrews Catholic School Handbook. 2018)

When discussing respect with the individuals at the school, Coach Maris said that “If you go in and show the kids that you can love on them. It helps to make the kids.” (personal
communication, April 29, 2019). By this statement Coach Maris illustrates that he believes that showing love is reciprocal to showing respect.

Restorative. St. Andrews Catholic School handbook states, “It is essential that a student take responsibility for grades he/she has earned and be accountable for homework, long-term assignments, major tests, service projects, and all other assignments.” When discussing discipline, the handbook states “the student will commit, in writing, not to make the same mistake again, and the disciplinarian will assign an appropriate consequence that allows the student to make amends to the St. Andrews Community for her/his poor choice.” (St. Andrews Catholic School Handbook. 2018). In the interviews, restorative is expressed first by Ms. Hatfield in the joint interview in the following quotes:

“The hope is that by the time they reach the Junior year they have outgrown all of the 7th and 8th grade antics with the moments when we just have to love them through it.”

“can have a ‘Come to Jesus moment’ with them really quick”

“make sure our kids know that all the administrators, guidance, teachers, and so forth are approachable and expect them to come to us with things that are happening in the school.” (personal communication, April 29, 2019).

Safety. Safety is the final data point in the research which was discussed in the handbook most frequently. It states “that a safe, structured environment promotes student learning” (St. Andrews Catholic School Handbook. 2018). Safety is extremely obvious in that you must be buzzed into the school. You enter through the first set of doors directly
into the school office and you cannot enter the school itself until you leave the school office through an interior door which opens into the school itself.

**Summary**

This chapter began with a reiteration of the research procedures along with the research questions. This is a qualitative multi-site case study utilizing open ended questions with the participates to achieve rich data. In analyzing the school handbook, outside source documents that the school uses, interviews, and observations of the school, rich data was discovered. Overall, four primary themes emerged: (1) faith, (2) respect, (3) restorative, and (4) safety. The combination of these themes all influence the way policies and procedures are proposed, evaluated, and enforced at St Andrews Catholic School. In the next chapter, I will conduct a cross reference of the two schools. Along with reviewing the definitions of bullying and how each school answered each of the research questions.
CHAPTER 6

CROSS-CASE COMPARISON OF TWO RELIGIOUS AFFILIATED SCHOOLS

The purpose of this chapter is to present the cross-case analysis and answer the research questions. This chapter is organized into four sections. In this first section, I briefly summarize the study by revisiting the research questions and the theoretical framework, which all served as the foundation for this research. In the second section, I will compare the different definitions of bullying from the sources upon which the schools based their definitions, along with the accepted definition from the bullying research expert, Olweus. In the third section, I present a comparison of the two schools and how the themes emerged in different ways. In the fourth section, I explain how the themes, data, and research literature answer the research questions.

Summary of the Study

The purpose of this qualitative research study is to determine how religious-affiliated independent schools have responded to the bullying epidemic. This study uses a qualitative research methodology (Merriam, 1998) to investigate bullying. Bogdan and Biklen (2007) defined qualitative research as conducting interviews using open-ended questions where the interviewees feel free to discuss the topic openly and with ease. This study uses a multiple case study research design to investigate school policies and procedures on bullying at two religious-affiliated independent schools. Of interest in this research study is how the schools’ anti-bullying policies and procedures reflect federal and state laws. This study investigates the policies and procedures concerning bullying in
independent schools. The research examines two independent schools – both religious-affiliated. Examining the schools’ handbooks along with conducting interviews with key professionals at each school, including the headmaster, middle school principal, upper school principal, school counselors, and deans of students assists in understanding their policies and procedures.

The interview protocol utilizes open-ended questions designed to place participants at ease to encourage elaboration past each core question. The questions are semi-structured to facilitate more elaboration on the part of the interviewee.

The following three research questions will guide the data collection efforts in this study:

- How have federal and state laws about bullying influenced the policies and practices adopted by religiously affiliated independent schools?
- How has the bullying prevention research influenced the adoption of bullying policies and procedures by religiously affiliated independent schools?
- How are bullying policies and procedures conveyed and enforced by the religiously affiliated independent schools?

**Comparison of Definitions**

First, we want to look at the definition that has become the measuring stick for all as stated by the Center for Disease Control, American Psychological Association, and National Association for School Psychiatrist which was offered by Olweus (1978). His definition states bullying is aggression with unwanted and negative actions with an imbalance of power. Bullying is a pattern of behavior that is repeated. Olweus typically compares this to peer abuse that can have both short- and long-term consequences for all
involved. Olweus states that bullying can have effects on an individual’s health – physical and mental – along with decreased academic successes (Olweus, 1978).

The Mountain of Trust Handbook defined bullying similarly to the definition provided by Olweus. It states that bullying is “unwanted, aggressive behavior among school aged children that involves a real or perceived power imbalance. The behavior is repeated, or has the potential to be repeated, over time.” (Mountain of Trust Handbook, 2018). Their handbook defines bullying as a power imbalance. This power imbalance is generally demonstrated by the bully through making threats, spreading rumors, attacking someone physically or verbally, excluding someone from a group on purpose, and other actions that a reasonable person would consider inappropriate. Their handbook even points out that the power can change over time but be with the same students. Mountain of Trust takes their definition further than Olweus by stating that bullying can be verbal, social, or physical, and can occur on or off campus, during or after school hours, and online or in person. (Mountain of Trust Handbook, 2018).

The Mountain of Trust handbook also mentioned that the school utilized the www.stopbullying.gov website for assistance in formulating their definition of bullying. When the website definition is reviewed, it is identical to that of Olweus. The Mountain of Trust definition aligns with both sources that the school used.

The Superintendent of Catholic Schools, Sandra Leatherwood, stated that the Catholic Church does not have a set of predefined policies for the schools. They do expect them to develop policies based on their school’s culture and environment. They do, however, have a guideline for bullying. The school is to provide a supportive caring environment that is safe from all forms of intimidation which includes bullying. The
Diocese defines bullying as a repeated action that is a deliberate and conscious intent to hurt, threaten, frighten, or humiliate another individual. This action can be physical or verbal, taking someone’s belongings, or oral and written threats. It also includes cyber-bullying whether on a social media platform or in a text message. When discussing the forms of bullying, the diocese stipulates that the following all fall into the bullying realm: hazing; outrageous teasing; mocking, taunting, putdowns, or name-calling; threatening looks, gestures, or actions; cruel rumors; suggestive comments; false accusations; and/or social isolation. The Diocese states that all schools must develop and enforce bullying policies and procedures (Leatherwood, October 2017)

For further comparison of the different definitions that have influenced both schools, please refer to Table 6.1.

Table 6.1

<table>
<thead>
<tr>
<th>Authority</th>
<th>Definition</th>
</tr>
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</table>
| Olweus (1978)   | Bullying is peer abuse and there are both short term and long-term consequences for students who are involved, whether as the student who bullies, the student who was bullied, or the bystanders who see or know it is happening. Research consistently shows that bullying can have immediate and long-term consequences for all those involved including health issues, impacts on mental health, and decreased academic success. According to Olweus, this definition includes three important components:  
  1. Bullying is aggressive behavior that involves unwanted, negative actions.  
  2. Bullying often involves a pattern of behavior repeated over time.  
  3. Bullying involves an imbalance of power or strength. |
Bullying is “unwanted, aggressive behavior among school aged children that involves a real or perceived power imbalance. The behavior is repeated, or has the potential to be repeated, over time.” Bullies “use their power - such as physical strength, access to embarrassing information, or popularity - to control or harm others. Power imbalances can change over time and in different situations, even if they involve the same people.” Bullying can be verbal, social, or physical, and can occur on or off campus, during or after school hours, and online or in person. “Bullying includes actions such as making threats, spreading rumors, attacking someone physically or verbally, and excluding someone from a group on purpose,” actions that a reasonable person would consider inappropriate. (Definition and information from www.stopbullying.gov)

Any student initiating or persisting in any form of harassment (including bullying) - verbal, physical, or visual - is subject to immediate discipline by the principal.

Bullying is unwanted, aggressive behavior among school aged children that involves a real or perceived power imbalance. The behavior is repeated, or has the potential to be repeated, over time. Both kids who are bullied and who bully others may have serious, lasting problems.

In order to be considered bullying, the behavior must be aggressive and include:

- **An Imbalance of Power**: Kids who bully use their power—such as physical strength, access to embarrassing information, or popularity—to control or harm others. Power imbalances can change over time and in different situations, even if they involve the same people.
- **Repetition**: Bullying behaviors happen more than once or have the potential to happen more than once.

Bullying includes actions such as making threats, spreading rumors, attacking someone physically or verbally, and excluding someone from a group on purpose.

Harassment occurs when an individual is intimidated, teased, bullied, threatened, or discriminated against because of race, religion, age, gender, physical appearance, socioeconomic status, or academic pursuits. Harassment
disrupts the educational process and creates an intimidating or hostile educational or work environment

**Cyber bullying/harassment**: includes, but is not limited to, offending, harassing or threatening others through technological means, including but not limited to email, instant messages, web pages, blogs, video and digital photo images, social networking media, YouTube, Virtual Reality sites, texting or sexting; it is considered inappropriate speech when it involves:

- obscene, profane, lewd, vulgar, rude, inflammatory, threatening, and/or disrespectful messages;
- posting information that could cause damage, danger, or disruption of the educational process;
- making a personal attack, including prejudicial or discriminatory attacks;
- knowingly or recklessly posting false or defamatory information about a person;
- using technological communication to intimidate, bully, harass, or embarrass others in any area included in this policy.”

SC State Law – “Safe School Climate Act”

**SECTION 59-63-120. Definitions.**

As used in this article:

(1) Harassment, intimidation, or bullying means a gesture, an electronic communication, or a written, verbal, physical, or sexual act that is reasonably perceived to have the effect of:

(a) harming a student physically or emotionally or damaging a student's property, or placing a student in reasonable fear of personal harm or property damage; or

(b) insulting or demeaning a student or group of students causing substantial disruption in, or substantial interference with, the orderly operation of the school.

(2) School means in a classroom, on school premises, on a school bus or other school-related vehicle, at an official school bus stop, at a school-sponsored activity or event whether or not it is held on school premises, or at another program or function where the school is responsible for the child.

SECTION 59-63-130. Prohibited conduct; reports by witnesses.

(A) A person may not engage in:

(1) harassment, intimidation, or bullying; or

(2) reprisal, retaliation, or false accusation against a victim, witness, or one with reliable information about an act of harassment, intimidation, or bullying.

(B) A school employee, student, or volunteer who witnesses, or has reliable information that a student has been subject to harassment, intimidation, or bullying shall report the incident to the appropriate school official.

Comparison of the Schools

Mountain of Trust Christian School is very open with their Christian beliefs and faith as seen in the school and their handbook that all directly quote scripture passages. Due to the international students boarding at the school, the school looks with greater attention to the Department of Homeland Security for their policies concerning bullying. They then align those policies with a biblical perspective. St. Andrews Catholic School does not really look to any outside entity to couch their policies. They use what the Diocese states along with what the National Catholic Education Association stipulates as necessary.

Response to the research questions

The Mountain of Trust administrators answered the research questions more directly than the St. Andrews administrators. The research questions were:
• How have federal and state laws about bullying influenced the policies and practices adopted by religiously affiliated independent schools?

• How has the bullying prevention research influenced the adoption of bullying policies and procedures by religiously affiliated independent schools?

• How are bullying policies and procedures conveyed and enforced by the religiously affiliated independent schools?

The following discussion reveals how data from both schools was interpreted for purposes of answering the research questions.

**How have federal and state laws about bullying influenced the policies and practices adopted by religiously affiliated independent schools?**

In the interview at Mountain of Trust with Mr. Derrick, he stated that they review all federal and state laws in order to determine whether “any laws have changed to make sure from a liability point of that we meet or exceed those standards.” They also “look at state standards.” He stated that “bullying falls under the school safety issue and Homeland Security has a plethora of information on their website.” (personal communication, March 14, 2019). Mr. Nalley stated that “when we are evaluating policy, procedures, and things like that from my vantage point that we glean as much information as possible, that we gather as many different resources as possible, because as you know there may be public schools that have excellent policies in place doesn’t necessarily mean we have to follow them. But if it makes sense and they work then they may work here. Just because we put a policy in place does not make us a public school.”

Mr. Nalley is the only one that addressed the issue of Cyber bullying policies by stating: “Cyber bullying has increased and the advent of using Ipads in the classroom has
increased the possibility of it. We have safeguards on our devices to try to limit and prevent as much as possible. We have firewalls and simply limiting their ability to message one another but we know how it goes with kids they always find the loopholes.” (personal communication, March 19, 2019). Mr. Wessinger stated that “our policy formations is reflexive, we will see where we are and have, we run across issues that we feel like warrant policy change you know across the board.” (personal communication, March 19, 2019).

At St Andrews Catholic School, Coach Maris stated that in the “private sector there seems to be more awareness and there is a lot more control because here you can make your rules and follow what the dioceses says.” Since he came to the school from the public sector, he mentioned that in that realm you have to follow what is passed down to you by the district. He stated that even in the private sector there are “some things that we have to follow by the state legislature but we can make our own policies.” He said that the school has zero tolerance. He also reiterated that “Everything you hear you have to explore to make sure it is or is not bullying and I think that is on both parties because sometimes when you accuse and it is not true there is a sense of labeling of reputation and it will follow that person and it could be completely not true.” (personal communication, April 29, 2009).

Mrs. Hatfield stated that school reviews their policies and procedures at the end of every year and in a private school “we do have the opportunity to tweak, change, create, develop what is going to fit for our unique needs and environment.” She also stated that the administration will amend the policies during the year if there is something that is not working as it should because the policies are a fluid document and as the school year
progress and it is stated in the handbook that it is subject to change and can be amended. If something is not working, the administration does not want to continue using a broken policy the school wants to fix it. The administration would have a round table meeting to get ideas and then the administration would fix. They have had to amend the cyber part over the past five years every single year just adding different components as the technology changes. The school has had to do their due diligence to update. She and a couple of others from the school attended the Law Symposium sponsored by NCEA this past summer to get up to date on any new laws or amendments to existing laws. This symposium gives an update of legal matters to provide the school with working knowledge about and the best procedures and policies to benefit the students, faculty, and staff. (personal communication, April 29, 2019).

**How has the bullying prevention research influenced the adoption of bullying policies and procedures by religiously affiliated independent schools?**

The Mountain of Trust interviewees did not really discuss the bullying prevention research. They were all aware of the research but they rely more on their religious beliefs. They hold in-service training with the teachers and staff which is hosted by the Creekside Baptist Church and the Trippler Sheriff’s Department. When we discussed the type of training they have, Mr. Nalley responded that,

> our in-service training before we come back to school, we have teacher training then, extended into our various levels. Lower school will have a training, middle school will have a training, and upper school will have a training. The meeting all together is an overarching school policy and then the training that takes place for
the various levels is directed by the principals and their directives for dealing with
certain things.” (personal communication, March 18, 2019).

Mr. Derrick agreed with the research that middle school is where the abundance of
bullying occurs because “in middle school it is self-image and pure image that matter so
much.” (personal communication, March 14, 2019). This led to the question of where the
bullying takes place most often. Mr. Derrick and Mr. Nalley both mentioned two of the
same places but then Mr. Nalley took it a little further. Mr. Derrick stated it happened in
“locker rooms and bathrooms typically because they are unsupervised and out of earshot
and eyeshot of teachers.” (personal communication, March 14, 2019). Mr. Nalley added

bathroom or locker room mostly with boys, or on basketball court or PE because
there is an audience. There is a physical activity and we are throwing the balls
down and making comments to each other because people are watching. (personal
communication, March 18, 2019).

At St. Andrews Catholic School, Ms. Hatfield and Mrs. Shealy stated that their
policies have been in place for at least 12 years and were not influenced by any bullying
prevention research. Ms. Hatfield stated that their policy is based on the diocesan policy.
The school has closely followed the diocesan bullying and harassment policy since 2015
when it was approved and amended by their advisory board.

At St. Andrews, Coach Maris stated that bullying tends to occur when the kids
think the adults are not around or cannot see what is going on. This is usually between
class changes, hallway, bathroom, or cafeteria. (personal communication, April 29,
2019). Mrs. Shealy reiterated the cafeteria being a popular location for mischief:
I have separated the 7th and 8th graders in the lunchroom. Because the 8th graders were educating the 7th graders in ways we did not want them to be educated in. So we split the two up. They stay within their grade in the lunchroom. I would say over half the time it is girls. Girls hold onto it where boys will hit you and then go on. Girls are mean. (personal communication, April 29, 2019).

**How are bullying policies and procedures conveyed and enforced by the religiously affiliated independent schools?**

At the Mountain of Trust Mr. Derrick had just stepped down from an active role as Middle School Discipline and he spoke the most about it. That title has been passed on to Mr. Nalley but since this his first year, he defers to Mr. Derrick. Mr. Derrick stated that their handbook is a “living document” and is what they use to enforce the policies and procedures. When the second offense occurs, they do what is referred to as a “second offense written contract.” When there is a third offense, it results in “Third offense terminate partnership.” He stated that “we don’t expel (this is our policy) we allow the parent to withdraw.” This is “why accurate records are important and having those statements from multiple students” Their records are electronic - “use a system called “Renweb” which allows us to track behavioral issues.” He also stated that “Anytime we have a behavioral write up we contact the parents immediately so the parents are made aware of it” In the last year they had a total of five which resulted in “a Saturday detention. two in school suspension. Two out of school suspensions.” (personal communication, March 14, 2019).

At St. Andrews, it is very rare to have physical bullying and when it has happened it was handled swiftly and very harshly.
Anytime we have the physical confrontation between kids but not say we don’t have the middle school horse playing (pulling each other’s book bags or knocking each other with their book bags as they walk to class in the hall ways). Anytime you have 7th and 8th graders, you are going to have bookbag knocking because they think that is funny. We have to have the visibility of the teachers. This is how we try to combat the things in the hallway and what not. (Hatfield, K, personal communication, April 24, 2019).

Ms. Oakley stated that to convey and discuss the policies of the school, they host faith-based retreats for the different classes, which is something that public schools cannot do. The retreats are also conducted in hopes of eliminating social isolation and bullying. (personal communication, April 28, 2019). Another proactive activity that the school does is called WINGS Mentors for the 10th-12th graders. This is a student-to-student mentoring program. It is a student-led and student-driven organization where character and leadership skills are the focal points. The program creates an opportunity for mentors to “intentionally” engage with younger students there by creating meaningful peer relationships. Upperclassmen mentors meet with 7th grade and 9th grade students to ease the students’ transitions into middle and high school, but also meet with these specific students on a monthly basis to provide support. The organization also allows older students to enhance their leadership skills throughout the year. (personal communication, April 29, 2019).

During the interview, we also touched on training. Coach Maris oversees handling this for the school. There is a Catholic certification process that is a small curriculum through the diocese which is diocesan wide. The school reviews it in
professional development and then they must go back through it a second time. The only way to get the certificate, print it out, and show validation, it to repeat the videos. You must view it twice but you are allowed to retake the test until you pass. “So long and the short we felt that was something of priority for professional development early in the fall before we came back to school. The school does this at the beginning of the school year.” (Maris, personal communication, April 29, 2019).

Ms. Shealy stated that they have mandatory orientations for the parents at the beginning of the year. They review the handbook and go over the bullying policies with everyone there. (personal communication, April 29, 2019).

St. Andrews Catholic School handbook addresses complaint reporting and retaliation for the students and parents. If a student feels that they are a victim of bullying/harassment, the school encourages the student confront the offender and clearly state that the behavior or conduct is offensive and needs to stop. Doing nothing, saying nothing, or trying to ignore the behavior of someone who is bullying or harassing is almost never interpreted by the perpetrator as a sign that the victim wants it to stop.

If the bullying/harassment continues, or if the student is not comfortable confronting the perpetrator, the student has the responsibility to report the bullying/harassment as soon as possible to the Principal. The Principal will investigate the complaint. Any student who observes this behavior, should bring the situation to the attention of the Principal so the actions can be investigated and possible corrective action taken. In a school where integrity matters, students who are bystanders or witnesses have a responsibility to demonstrate compassionate support for the bullied student and to report dangerous behaviors or situations to the appropriate school personnel.
Reports of bullying/harassment will be documented in writing by the Assistant Principal. The documentation includes details of the incident(s), names of the individuals involved, and names of witnesses. All reports of harassment will be investigated by the Administration promptly and in an impartial and as confidential a manner as possible.

If the school determines that bullying/harassing has occurred, effective remedial action will be taken in accordance with the circumstance involved. Any student determined by the Administration to be responsible for bullying/harassment will be subject to appropriate disciplinary action, up to and including expulsion.

St. Andrews Catholic School administration clearly frowns on retaliation. The handbook has a statement about retaliation for when bullying/harassment is reported. Retaliation can include intimidation, coercion, or discrimination. This includes anyone that testifies, assists, or participates in any manner in an investigation concerning the bullying/harassment incident. (St. Andrews Catholic School, 2018).

Summary

In this summary, I will revisit the themes discovered in the research, discuss the limitations of the research, and look at recommendations for further research on the subject. This was a qualitative study to determine how religious-affiliated independent schools have responded to the bullying epidemic. The researcher used a multiple case study approach to investigate how a faith-based school (Mountain of Trust) and a Catholic based school (St. Andrews) developed and conveyed their bullying policies and procedures. Documents, interviews, and the school environment was triangulated to pull the themes to answer the three research questions:
• How have federal and state laws about bullying influenced the policies and practices adopted by religiously affiliated independent schools?
• How has the bullying prevention research influenced the adoption of bullying policies and procedures by religiously affiliated independent schools?
• How are bullying policies and procedures conveyed and enforced by the religiously affiliated independent schools?

Themes

The themes appeared after close analysis of the documents that each school used (school handbook and external documents), interviews with school officials, and the school environment. All three sources provided for the four main themes of Faith, Respect, Restorative, and Safety. For Mountain of Trust Christian School, it offered a fifth theme in Biblical/Scripture due to the frequency of biblical passages and references in the documents, interviews, and their environment. When looking at the contrast of the handbook and the external documents it was evident how the secular influence does not directly reflect in the school handbook.

When contrasting the two schools, you find the definitions are similar but not derived from the same sources. St. Andrews relies heavily on the Diocese for its definition while cross checking with the South Carolina State Law. The Mountain of Trust definition relies heavily on the Department of Homeland Security along with the website – www.stopbullying.gov. Both of which are federal government entities.

Limitations

Limitations exist with any study, for example, in a qualitative study the data cannot prove a causal relationship (Berg, 2004). In qualitative studies, the number of
participants may vary widely, which can have a limiting impact on the data that is collected. Study results are limited and captured only the perspectives of individuals who participated in the interviews. These individuals were not included because they were representative of a larger group of individuals, rather they were interviewed because this study focused specifically on the selected religiously-affiliated private schools.

The roles and positions of the participants represents an additional limitation as the individuals were all administrators in varying capacity, including principals and assistant principals, but no teachers. Although administrators have unique insights regarding school policies, their distance from the classroom could affect their perceptions and experiences, thus limiting the insights to be gathered from them. Thus, future research about bullying policies might reveal additional insights if it were to include teachers.

Another limitation could be the number of schools within this multiple case study, as well as the location. Within this study, two religious-affiliated schools were chosen all from the same city, which could affect the generalizability of the study. Including a larger number of schools and a different region could increase the generalizability of the results.

The lack of participant diversity is another limitation that has an impact on the result of this study. All the administrators were white and at one school, the participating administrators were also all male. This does not represent the demographics or population of the state or of the teaching staff in either of the schools. In both schools, the lack of a diverse administrative staff may possibly limit the perspectives on bullying that were shared.
The change in how the interview protocol was employed with both schools is another limitation to the study. At Mountain of Trust, individual interviews were conducted which promoted an open conversation and more forthright answers in comparison to a small group interview at the St. Andrews Catholic School. Also, when a single interview is conducted with an individual, there is not an opportunity for a colleague to question or challenge the information shared.

At St. Andrews, the administrators desired a group interview session to minimize interruption to their schedule. During the interview, the participants were able to almost finish each other’s statements and answers. As such, the group interview had a confirmatory aspect to it that did not exist in the individual interview settings.

In addition, when one of the participants, Mr. Derrick, in the group interview shared his perspective, one of the other participants disagreed. He stated that he felt the athletic program had nothing to do with their attempts to increase the ethnicity of the student body. If the two gentlemen had been in the same room, I propose that this statement would not been made. At St. Andrews, they desired a group interview session to minimize interruption to their schedule. When doing the interview, the participants were able to almost finish each other’s statements and answers. If this had been individual interviews, the answers would have been more individualistic.

Finally, one school has a boarded international population which the other school does not have. This group of students have parents who are missionaries spreading the word of God for the denomination that formed Mountain of Trust and Trippler International University. Other countries define bullying and harassment differently which could mean that policies applied to the children would have different impacts than
what would occur if the students were all from the United States. St. Andrews does not have international students, thus it limited cross-comparisons of these two schools as well.

**Recommendations**

Some recommendation for further research would be to compare the religious affiliated school and the secular independent school. It would be interesting to see if they use the same sources to create their bullying policies and procedures or if they approach it from a completely different angle. Another recommendation, this was a faith-based school and a Catholic school. Perhaps a study using another religious affiliated school such as an Episcopal, Lutheran, or Jewish school to see how their bullying policies and procedures are framed would be enlightening. Finally, a comparison among a religious-based school, a secular independent school, and a public school related to their bullying policies and procedures could yield helpful results. A quantitative study could come out of this if students at different types of schools (religious-affiliated, secular independent, and public) were surveyed to see whether they know the policies and procedures, along with whether they feel it is an epidemic in their school. This could be an eye opening study since the religious-affiliated schools in this study did not feel that bullying in their school was at an epidemic proportion.

In conclusion, this study shows that the religious-affiliated independent school consult many different entities to develop and formulate their policies. As both schools stated, their handbook of policies is a living document that can and will change as society changes necessitating the evolution of their policies. They are not bound to the secular
rules but do attempt to stay abreast of those rules and stay within the boundaries for liability standards.

If I could make recommendations to the respective schools, I would recommend that Mountain of Trust create a mentor program like St. Andrews. Children tend to listen to their peers better than to adults. Due to the lack of bullying infractions at St. Andrews, the mentoring idea seems to work better than lecturing the students have as done at Mountain of Trust uses. Mountain of Trust had five incidents where St. Andrews stated they did not have any incidents this year. Both schools could benefit from looking into the Olweus Bullying Prevention Curriculum, this would put more uniformity in their process.
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APPENDIX A

INTERVIEW QUESTIONS WITH RESEARCH QUESTIONS

1. How have federal and state laws about bullying influenced the policies and practices adopted by religious-affiliated independent schools?
   a) How were the independent school’s policies formulated?
   b) Did SC Safe School Act influence the policies of the independent school?
   c) Were the independent school’s policies in place before Columbine?
   d) What necessitated the formation of the independent school policy?
   e) When were the school’s bullying policies and procedures first put into practice?
   f) Was there an incident that made the policies and procedures necessary?
   g) How have they changed over time and what caused the change to occur?

2. How has the bullying prevention research influenced the adoption of bullying policies and procedures by religiously affiliated independent schools?
   a) Has the school sponsored any Bullying Training for the faculty?
   b) Have there been any Bullying assemblies for the students?
   c) What do you feel are the most prevalent forms of bullying in the school?
   d) Do you think that forms of bullying changes as the students age?
   e) How do feel about the use of iPads and bullying?
   f) Do you think there is enough security on the iPads to prevent cyber-bullying from happening?
   g) What type of security does the school use to monitor sites to prevent bullying?
   h) What is the most common form of bullying that you see in the school?
   i) How do you distinguish between bullying, horseplay, and teasing?
   j) In your opinion where do you feel the bullying incidents occur the most – home, school, in class, outside of class, lunch period, other places?
3. How are bullying policies and procedures enforced in the religiously-affiliated independent schools?

a) When deciding on how to enforce your policies about bullying, where did the school for guidance?
b) Public School policy?
c) Other literature?
d) How did your school formulate your cyber policy concerning bullying?
e) Has it changed since it was first written to be narrower or broader?
f) How well do you feel your school’s policies and procedures are working?
g) Do you feel the parents are working with you to curb bullying incidents?
h) How do you keep track of student infractions?
i) What is your data system for keeping track of the infractions?
j) What is the frequency of incidents?
k) How severe are the incidents?
l) When you must discipline for the bullying occurrence how do you involve the parents?
m) How do you work to prevent bullying from happening?
n) How do you work to minimize the frequency of bullying?
APPENDIX B

PENNSYLVANIA ANTI-BULLYING

2709. Harassment.

(a) Offense defined. --A person commits the crime of harassment when, with intent to harass, annoy or alarm another, the person:

(1) strikes, shoves, kicks or otherwise subjects the other person to physical contact, or attempts or threatens to do the same;

(2) follows the other person in or about a public place or places;

(3) engages in a course of conduct or repeatedly commits acts which serve no legitimate purpose;

(4) communicates to or about such other person any lewd, lascivious, threatening or obscene words, language, drawings or caricatures;

(5) communicates repeatedly in an anonymous manner;

(6) communicates repeatedly at extremely inconvenient hours; or

(7) communicates repeatedly in a manner other than specified in paragraphs (4), (5) and (6).

(a.1) Cyber harassment of a child. --

(1) A person commits the crime of cyber harassment of a child if, with intent to harass, annoy or alarm, the person engages in a continuing course of conduct of making any of the following by electronic means directly to a child or by publication through an electronic social media service:

(i) seriously disparaging statement or opinion about the child's physical characteristics, sexuality, sexual activity or mental or physical health or condition; or

(ii) threat to inflict harm.
(2) (i) If a juvenile is charged with a violation of paragraph (1), the judicial authority jurisdiction over the violation shall give first consideration to referring the juvenile charged with the violation to a diversionary program under Pa.R.J.C.P. No. 312 (relating to Informal Adjustment) or No. 370 (relating to Consent Decree). As part of the diversionary program, the judicial authority may order the juvenile to participate in an educational program which includes the legal and nonlegal consequences of cyber harassment.

(ii) If the person successfully completes the diversionary program, the juvenile's records of the charge of violating paragraph (1) shall be expunged as provided for under section 9123 (relating to juvenile records).

(b) Stalking. --(Deleted by amendment).

(b.1) Venue. --

(1) An offense committed under this section may be deemed to have been committed at either the place at which the communication or communications were made or at the place where the communication or communications were received.

(2) Acts indicating a course of conduct which occur in more than one jurisdiction may be used by any other jurisdiction in which an act occurred as evidence of a continuing pattern of conduct or a course of conduct.

(3) In addition to paragraphs (1) and (2), an offense under subsection (a.1) may be deemed to have been committed at the place where the child who is the subject of the communication resides.

(c) Grading. --

(1) Except as provided under paragraph (3), an offense under subsection (a)(1), (2) or (3) shall constitute a summary offense.

(2) An offense under subsection (a)(4), (5), (6) or (7) or (a.1) shall constitute a misdemeanor of the third degree.

(3) The grading of an offense under subsection (a)(1), (2) or (3) shall be enhanced one degree if the person has previously violated an order issued under 23 Pa.C.S. § 6108 (relating to relief) involving the same victim, family or household member.

(d) False reports. --A person who knowingly gives false information to any law enforcement officer with the intent to implicate another under this section commits an offense under section 4906 (relating to false reports to law enforcement authorities).

(e) Application of section. --This section shall not apply to constitutionally protected activity.
(e.1) Course of conduct. --(Deleted by amendment).

(f) Definitions. --As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Communicates." Conveys a message without intent of legitimate communication or address by oral, nonverbal, written or electronic means, including telephone, electronic mail, Internet, facsimile, telex, wireless communication or similar transmission.

"Course of conduct." A pattern of actions composed of more than one act over a period of time, however short, evidencing a continuity of conduct. The term includes lewd, lascivious, threatening or obscene words, language, drawings, caricatures or actions, either in person or anonymously. Acts indicating a course of conduct which occur in more than one jurisdiction may be used by any other jurisdiction in which an act occurred as evidence of a continuing pattern of conduct or a course of conduct.

"Emotional distress." A temporary or permanent state of mental anguish.

"Family or household member." Spouses or persons who have been spouses, persons living as spouses or who lived as spouses, parents and children, other persons related by consanguinity or affinity, current or former sexual or intimate partners or persons who share biological parenthood.

"Seriously disparaging statement or opinion." A statement or opinion which is intended to and under the circumstances is reasonably likely to cause substantial emotional distress to a child of the victim's age and which produces some physical manifestation of the distress.

(June 23, 1993, P.L.124, No.28, eff. imd.; Oct. 2, 1997, P.L.379, No.44, eff. 60 days; Dec. 15, 1999, P.L.915, No.59, eff. 60 days; Dec. 9, 2002, P.L.1759, No.218, eff. 60 days; Nov. 27, 2013, P.L.1061, No.91, eff. 60 days; July 10, 2015, P.L.140, No.26, eff. 60 days; Nov. 4, 2015, P.L.224, No.59, eff. 60 days)

2015 Amendments. Act 26 amended subsecs. (c)(2) and (f) and added subsecs. (a.1) and (b.1)(3) and Act 59 amended subsec. (e). See the preamble to Act 59 of 2015 in the appendix to this title for special provisions relating to legislative intent.

2013 Amendment. Act 91 amended subsec. (c) and added the def. of "family or household member" in subsec. (f).

2002 Amendment. See sections 9 and 10 of Act 218 in the appendix to this title for special provisions relating to references to section 2709 and references to section 5504.

Cross References. Section 2709 is referred to in sections 4954, 4955, 5708 of this title; section 3304 of Title 5 (Athletics and Sports); sections 6108, 6711 of Title 23
(Domestic Relations); sections 3573, 62A03 of Title 42 (Judiciary and Judicial Procedure).

As cited on
http://www.legis.state.pa.us/cfdocs/legis/LI/consCheck.cfm?txtType=HTM&ttl=18&div=0&chpt=27&sctn=9&subsctn=0
Pennsylvania Department of Education website –
PDE > K-12 > Safe Schools > Bullying Prevention

Bullying Prevention

The Pennsylvania Department of Education, Office for Safe Schools bullying prevention webpage contains resources for parents, educators and professionals serving youth in school and out-of-school time settings

PA BULLYING PREVENTION CONSULTATION LINE, 1-866-716-0424

Messages can be left 24 hours a day, seven days a week, and will be returned Monday-Friday during normal business hours. The Bullying Prevention Consultation Line is a toll-free number that will allow individuals experiencing chronic and unresolved bullying to discuss effective strategies and available resources to deal with school-based bullying; and is available, to students, parents/guardians and school districts across the state of Pennsylvania.
APPENDIX C

ARIZONA ANTI-BULLYING STATUTE

HB 2368
school policies; pupils; bullying

HB 2368 directs school district governing boards to adopt and enforce procedures that prohibit pupils from harassing, intimidating and bullying other pupils.

History
Currently, statute allows school teachers to send pupils to the principal’s office to maintain effective discipline in the classroom. Teachers may remove students from the classroom if a pupil’s behavior seriously affects the ability of the teacher to communicate effectively with students in the classroom or the ability of students to learn.

post and enforce a hazing prevention policy. The hazing prevention policy must be printed in every student handbook for distribution to parents and students.

Hazing is currently defined as any intentional, knowing or reckless act committed by a student, whether individually or in concert with other persons, against another student, and in which both of the following apply:
(a) The act was committed in connection with an initiation into, an affiliation with or the maintenance of membership in any organization that is affiliated with an educational institution.
(b) The act contributes to a substantial risk of potential physical injury, mental harm or degradation or causes physical injury, mental harm or personal degradation.

Currently, numerous states have statewide, anti-bullying laws.

Provisions:

Requires school district governing boards to adopt and enforce procedures that prohibit the harassment, bullying and intimidation of pupils on school grounds, school property, school buses, school bus stops and at school sponsored events and activities. The procedures must contain the following:
• A confidential process that allows pupils to report incidents of harassment, intimidation or bullying to school officials.
• A procedure for the parents or guardians of pupils to submit written reports concerning harassment, intimidation or bullying to school officials. A requirement that school district employees report suspected harassment, intimidation or bullying.
• A formal process for the documentation and investigation of reported incidents of harassment, intimidation or bullying.
• A formal process for an investigation of suspected incidents of harassment, intimidation or bullying.
• Disciplinary procedures for students admitting to, or who are found guilty of, committing harassment, intimidation or bullying.
• A procedure that provides consequences for submitting false reports of harassment, intimidation or bullying.
• Adds the school district and school district employees to those groups that are immune from civil liability for the consequences of adoption and implementation of policies and procedures regarding school district governing board requirements under Section 15-341, subsection A and the discretionary powers of school district governing boards under Section 15-342, unless guilty of gross negligence or intentional misconduct.
• Makes technical and conforming changes.

47th Legislature
First Regular Session 2 April 15, 2005
Signed by the Governor April 20, 2005

As cited on https://apps.azleg.gov/BillStatus/GetDocumentPdf/122021
# APPENDIX D

ANTI-BULLYING STATE LAWS

Table D.1

*Components of bullying definitions of the Southeastern states of the United States.*

<table>
<thead>
<tr>
<th>Component</th>
<th>ALABAMA</th>
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<tbody>
<tr>
<td>Severe or pervasive</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td>Y</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Intent to harm</td>
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<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td></td>
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<td>Reasonable person knows act will cause harm</td>
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<td>Y</td>
<td></td>
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<tr>
<td>Cyberbullying</td>
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<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
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<td></td>
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<td>Define cyberbully broad and specific</td>
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<td></td>
<td></td>
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<td>States requiring equal treatment for all students</td>
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Table D.2

*Treatment of “harassment”’ and “bullying” in definition*

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<tr>
<td>Refer only to harassment</td>
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<td>Y</td>
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<td></td>
<td></td>
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<tr>
<td>Refer to both but not defining either</td>
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<td></td>
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</tr>
<tr>
<td>Refer to both harassment and bullying; define separately</td>
<td>Y</td>
<td></td>
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<tr>
<td>Refer to both harassment and bullying; define together.</td>
<td></td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td></td>
<td></td>
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<td></td>
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</tr>
<tr>
<td>Including term harass or harassment in bullying definition</td>
<td>Y</td>
<td>Y</td>
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Table D.3

*Scope of school’s reach over incidents of bullying*

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<th>TENNESSEE</th>
<th>VIRGINIA</th>
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<tbody>
<tr>
<td>Bullying limited to that occurring at school or at other school-related locations</td>
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<td></td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
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<tr>
<td>Bullying limited to that occurring at school or at other school-related locations, or using school-owned</td>
<td></td>
<td>Y</td>
<td>Y</td>
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<tr>
<td>Provisions leaving ambiguous whether schools may reach bullying occurring outside of school or other school-related locations</td>
<td>Y</td>
<td>Y</td>
<td></td>
<td>Y</td>
<td></td>
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<tr>
<td>Provisions explicitly extending schools’ ability to reach at least some incidents of bullying occurring outside of school or other school-related locations</td>
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181
<table>
<thead>
<tr>
<th>States requiring or encouraging school districts to adopt bullying investigation procedures</th>
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<tbody>
<tr>
<td>ALABAMA</td>
</tr>
<tr>
<td>Provisions requiring school districts to include investigation procedures in their bullying policies</td>
</tr>
<tr>
<td>Y</td>
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<tr>
<td>Provisions including investigation procedures in non-mandatory model bullying policies</td>
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Table D.5

*States mandating that witnesses to incidents of bullying report or intervene in the bullying*

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<tr>
<td>Provisions requiring both staff and students to report incidents of bullying</td>
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<td>$\text{Y}$</td>
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<tr>
<td>Provisions requiring staff to report incidents of bullying</td>
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<td>$\text{Y}$</td>
<td>$\text{Y}$</td>
<td>$\text{Y}$</td>
<td>$\text{Y}$</td>
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<tr>
<td>Provisions requiring staff to report incidents of bullying included in non-mandatory model policies</td>
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### Table D.6

*States explicitly allowing for anonymous reporting of bullying incidents*

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<tr>
<td>Provisions requiring school districts to allow for anonymous reporting of bullying incidents</td>
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<tr>
<td>Provisions requiring school districts to allow for anonymous reporting of bullying incidents included in non-mandatory model policies</td>
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<tr>
<td>States requiring reporting of certain bullying incidents to law enforcement agencies</td>
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Table D.7

*States requiring discipline as a consequence for bullying*

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<th>Provisions requiring bullying policies to include disciplinary consequences</th>
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| Provisions requiring disciplinary consequences included in non-mandatory model policies | Y |  |
|---|---|---|---|---|---|---|---|
| States containing language about age-appropriate consequences | Y | Y |  |
| States creating criminal laws related to bullying | Y | Y |  |
| States modifying existing criminal laws | Y | Y |  |

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Table D.8

*States requiring reporting of bullying incidents or statistics summarizing such incidents to the state department of education or similar entity, or to local school districts*

<table>
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<tr>
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<tr>
<td>Provisions requiring reporting of bullying incidents or statistics summarizing such incidents to the state department of education or similar entity</td>
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<td>Provisions contemplating at most one-time review of local school district policies</td>
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Table D.9

*States involving students in the process of developing bullying policies*

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<th>States encouraging student involvement</th>
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Table D.10

*Bullying prevention programs in state laws with no other bullying education provisions*

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<th>States with statutory provisions requiring bullying prevention programs</th>
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<td>States with statutory provisions recommending or encouraging bullying prevention programs</td>
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<td>States requiring professional development or training on bullying prevention</td>
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<td>States recommending or encouraging bullying education or prevention programs for parents</td>
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