

PUBLIC HEALTH LAW RESEARCH:

Making the Case for Laws that Improve Health

KNOWLEDGE ASSET

Anti-bullying Laws: A Blueprint for Prevention

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Author

Marizen Ramirez, PhD, University of Iowa Injury Prevention Research Center, Department of Occupational and Environmental Health, College of Public Health

Review Panel

Judy Chiasson, PhD, Los Angeles Unified School District

Dorothy Espelage, PhD, Department of Educational Psychology, University of Illinois, Urbana-Champaign

Mark Hatzenbuehler, PhD, Department of Sociomedical Sciences, Mailman School of Public Health, Columbia University

Introduction

Youth violence is a significant public health concern that leads to injuries, death and poor mental health outcomes (Dahlberg & Mercy, 2009; CDC, 2003; Juvonen, Graham & Schuster, 2003; Wang, Nansel & Iannotti, 2011). Of all forms of violence, bullying involvement, either as perpetrator or target, is most commonly experienced by today's youth (Perlus, Brooks-Russel, Wang, & Iannotti, 2014).

Bullying is defined as unwanted, repeated aggression that leads to a power imbalance, with the perpetrator holding power over targets of bullying. This power differential interferes with personal relationships, and results in feelings of hopelessness and stress (Ybarra, Espelage, & Mitchell, 2014). Bullying can be physical (hitting), verbal (name-calling), relational (social isolation or humiliation) and cyber (e-mail, text or other electronic postings or communications) (Gladden, Vivolo-Kantor, Hamburger, & Lumpkin, 2013; Wang, Iannotti, & Nansel, 2009). Recent surveys conducted in schools in the United States from 2010-2014 have found that bullying occurs about once a month in 37 percent of all public schools (Gray & Lewis, 2015), and that 20-28 percent of middle and high school students report being targets of bullying at school each year (Robers, Kemp, & Truman, 2013; CDC, 2012). Middle school children experience the highest rates of bullying, impacting about a third of all 6th and 7th graders in the United States (Robers et al., 2012).

Being a perpetrator or target of bullying can have immediate consequences, and both are related to involvement in violence, depression and criminal offenses later in life (Farrington, Losel, Ttofi, & Theodorakis, 2012). Those who both bully and get bullied (e.g., bully-victims) are especially troubled.

They are by far the most socially ostracized by their peers, most likely to display conduct problems, and least engaged in school compared with perpetrators and targets, and they also report elevated levels of depression and loneliness (Juvonen, Graham, & Schuster, 2003). Furthermore, bullying involvement either as perpetrator, target, or both has been shown across 47 studies to be associated with more than twice the risk of suicide ideation and behaviors (Holt et al., 2015). In one study, about 44 percent of middle school children who were both perpetrators and targets of bullying reported trying to hurt or kill themselves (Espelage & Holt, 2013).

In the past two decades, states in the United States have enacted anti-bullying laws¹ as a strategy to prevent and respond to acts of bullying on school campuses. State anti-bullying laws are found primarily in state education code, although some may be found in the criminal justice code. As of April 2014, 49 states and the District of Columbia had enacted anti-bullying legislation, with Montana being the lone exception (LawAtlas, 2014). There is currently no U.S. federal anti-bullying law.

Anti-bullying laws are thought to improve the school safety climate by providing a blueprint of response strategies and intervention activities to be carried out by states, local communities, administration/staff of schools, and students (Dresler-Hawke & Whitehead, 2009). Anti-bullying laws are hypothesized to work by mandating schools to define prohibited bullying behaviors, develop specific policies and procedures, and raise awareness. These activities operate at multiple levels (state, community, district, school) to improve the climate of the physical and social learning environment at schools (Espelage, 2014).

This Knowledge Asset includes information about the impacts of bullying; the public health framework for anti-bullying laws; the language and content of these laws; and current evaluation studies on the implementation and effectiveness of anti-bullying laws.

¹ Anti-bullying laws differ from anti-bullying policies, which are guidelines provided often by a state department of education for implementing anti-bullying activities which likely align with state anti-bullying laws (if they exist). While the 49 states have a law, of these, 41 also have state policies (Department of Education, 2011; www.stopbullying.gov).

Research and Evidence

Perpetrators and targets of bullying face mental health and academic achievement challenges.

- Bullies and those who are bullied feel unsafe at school and report being sad and depressed (Glew, Fan, Katon, & Rivara, 2008).
- The risk of having poor psychological health is greater if the bullying is severe and prolonged, and the target lacks adequate social support (Rigby, 2003; Ybarra et al., 2014).
- Perpetrators and/or targets of bullying are at increased risk for psychosomatic symptoms like headaches, backaches, abdominal pain, sleeping problems, bed wetting and bad appetite (Gina & Pozzoli, 2009).
- Children who are targets of bullying had lower GPAs and teacher-rated academic engagement than children who were not bullied (Juvonen et al., 2011).
- Extensive research on school bullying conducted in developed countries suggests heavy personal and social costs for both individuals and society as a whole, including poor educational development and attainment, antisocial behavior, truancy, low self-esteem, sleep disturbance, depression, and suicide (Dresler-Hawke & Whitehead, 2009).
- A growing body of literature has begun to examine the longer-term impacts of bullying, which include poor social health and psychiatric outcomes, including suicidal/self-injurious behaviors, depression and substance abuse (Takizawa, Maughan & Arseneault, 2014; Copeland, Wolke, Angold & Costello, 2013; Winsper, Lereya, Zanarini & Wolke, 2012).

Anti-bullying policies and laws may have great potential to impact larger populations if viewed as public health interventions that target individual children, their schools and their communities.

- Anti-bullying laws institute policies that can act on three levels of prevention. Primary prevention would involve students, teachers and parents in altering the school environment; secondary prevention would identify potential perpetrators or targets who might lack social skills or need to learn problem solving or self-control; and tertiary prevention involves treatment to decrease duration and minimize the effects of bullying (Elinoff, 2004).
- Anti-bullying laws adopt a systems-based approach that involves intervention strategies targeting all levels of children's social ecology, including states, communities, schools, parents and children themselves (Dresler-Hawk & Whitehead, 2009; Espelage & Holt, 2013).
- A growing body of research shows that positive social climate within schools is a protective factor against bullying (Espelage, Polanin, & Low, 2014; Richard, Schneider & Mallet, 2012).
- Like "whole school" violence prevention and anti-bullying programs, anti-bullying policies include provisions that can improve the safety of the school environment. Common strategies include the implementation of anonymous student surveys, monitoring risky areas within the schools, and open or public discussion of problems of bullying (Majcherova, Hajduova, & Andrejkovic, 2014).

In the United States and other countries, state and local governments have enacted a wide variety of anti-bullying legislation using different recommendations or frameworks for the law. While many of the frameworks share similar elements, the most effective anti-bullying laws have yet to be identified.

- Starting in 1999, there has been a wave of new legislation in the US at the state level establishing school or district policies that prohibit bullying behavior (Cornell & Limber, 2015; US Department of Education, 2011).
- The terms harassment and bullying are often used incorrectly and interchangeably. Civil rights laws in the United States protect against harassment based on specific classes of individuals (e.g., race/ethnicity, gender, disability). Anti-bullying laws were developed to protect all students against bullying beyond those covered in harassment laws. However, the Department of Education supports the enumeration of specific groups to identify high risk groups. Because of these complexities, determining what cases are covered under civil rights and/or anti-bullying laws becomes complex and confusing for schools (Cornell & Limber, 2015).
- International studies have long suggested that defining bullying in policies communicates to the whole school community what behaviors are not acceptable, and makes the implementation, enforcement, and monitoring of the policy more successful (Willms, 1992).
- A 2008 study recommended that anti-bullying laws must include: a clear definition of bullying, an explicit articulation of a bullying prohibition, implementation of prevention and treatment programs, and acknowledgement of the association between bullying and public health risks (Srabstein, Berkman, & Pyntikova, 2008).
- Based on a review of state laws and court decisions, the US National Association of Attorneys General recommended that to be effective, state legislatures should require school district policies to include the following components: (1) a general statement of the policy that a school district values a learning and working environment that is free from any type of violence and harassment; (2) consistent statewide definitions of the types of violence and harassment prohibited; (3) specific reporting procedures; (4) specific investigation procedures; (5) consistent range of school district actions; (6) reprisal provision prohibiting retaliation; (7) a statement that the policy does not prohibit other procedures available or required under law; (8) provisions describing how the policy will be disseminated and employees and students trained; (9) penalty provisions for schools that fail to adopt or enforce anti-bullying policies; and (10) requirement that policies be submitted for review to the State's Department of Education (National Association of Attorney General, 2000).
- In response to a need for guidance from state and local officials, educators, and policymakers, the US Department of Education identified 11 key components for state anti-bullying laws: 1) Purpose Statement, 2) Statement of Scope, 3) Specification of Prohibited Conduct, 4) Enumeration of Specific Characteristics, 5) Development and Implementation of Local Education Area Policies, 6) Components of Policies, 7) Review of Local Policies, 8) Communication Plan, 9) Training and Prevention Education, 10) Transparency and Monitoring, and 11) Statement of Rights to Other Legal Recourse (US Department of Education, 2011.)

school district policies were mental health referrals and procedures for written records. In all, local district policies tended to emphasize the same components addressed in their respective state anti-bullying laws, suggesting the strong influence of state laws on district policies (US Department of Education, 2011).

- An analysis of 217 school anti-bullying policies in Central England also recommended the need for including cyber-bullying; homophobic bullying; bullying based on disabilities or faith; teacher–pupil bullying; responsibilities beyond those of teaching staff; following up of incidents; and specific preventative measures such as playground work, peer support, inclusiveness issues, and addressing bullying to and from school (Smith et al., 2012).

The effectiveness of anti-bullying laws and policies can be judged by how widely they are implemented at the school level, whether and how they prevent bullying, how they assist those most at risk of bullying, and how they treat those with established problems. A small body of evidence on the effectiveness of anti-bullying laws now exists.

- According to a 2013 survey, Iowa middle school administrators reported some success in developing anti-bullying policies, but had some challenges in identifying remedial plans for bullying perpetrators and in accessing resources to support anti-bullying efforts. In interviews, administrators reported difficulty in identifying when certain behaviors constituted bullying and deciding when punishment or intervention was warranted (Ramirez, Schwab-Reese, Spies, Peek-Asa, & Onwuachi-Willig, in preparation).
- Four years after Australia put an anti-bullying policy in place in 2003, one study showed that schools had not widely implemented the recommended practices, teachers appeared to need more training to address bullying, and bullying prevalence was relatively unchanged (Elinoff, 2004).
- A 2009 review of bullying-related litigation in the US showed that piecemeal tactics such as progressive discipline, mediation, conflict resolution, and so-called zero-tolerance policies, if unsupported by the entire school community, do not reduce bullying (Sacks & Salem, 2009).
- An evaluation of Iowa’s anti-bullying law (Iowa Code 280.28) found victimization increased one year post-law, possibly due to either improved reporting or over-identification, and did not start to go down until three years after the law was implemented (Ramirez, Ten Eyck, Peek-Asa, Onwuachi-Willig & Cavanaugh, in preparation). Similar delayed/gradual effects of laws have been observed in other types of public health law studies (Wagenaar & Komro, 2013; Webster, Vernick, & Hepburn, 2002).

Figure 2. Probability of being frequently bullied by year, Iowa, 2005-2010 (N = 248,110)

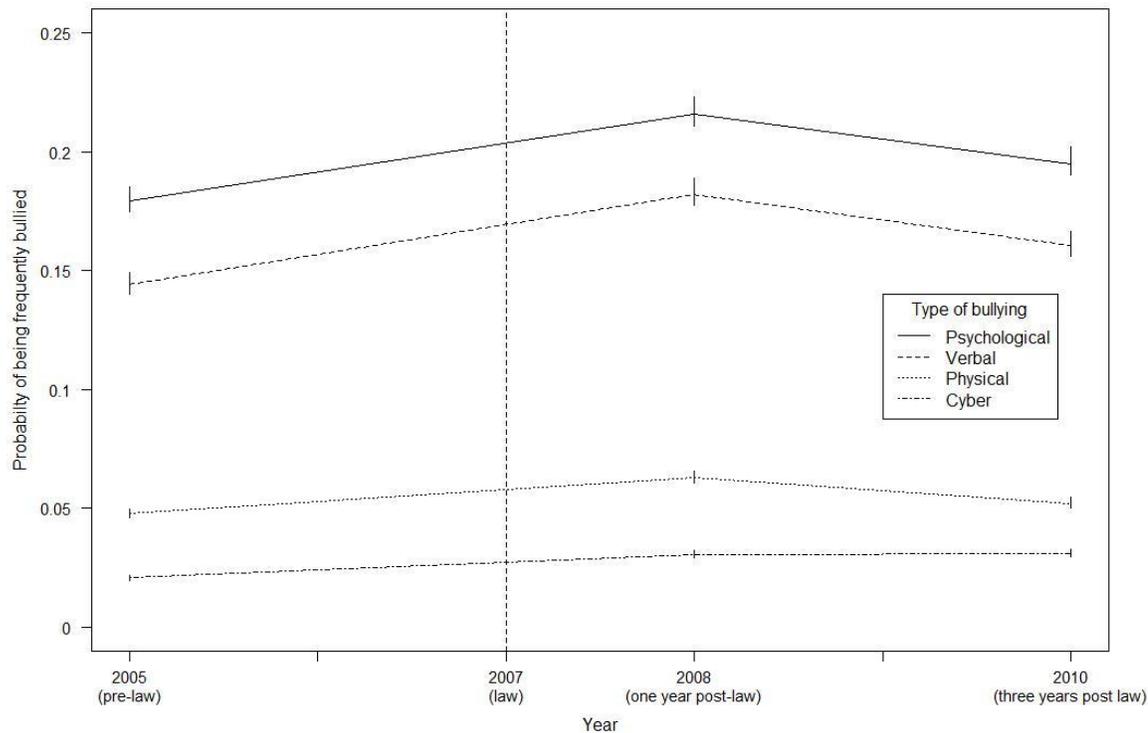


Figure 2: From Ramirez et al. (in preparation), Evaluation of Iowa's anti-bullying law

- Investigators examined how bullying rates associated with 25 state anti-bullying laws that had followed US Department of Education guidelines. High school students living in U.S. states with anti-bullying policies with at least one key legislative component recommended by the Department of Education had a 28% reduced odds of being bullied. Specific components of laws that reduced the odds of bullying by 20% or more were: laws that state a purpose, describe the scope of jurisdiction for regulating bullying, define prohibited behaviors, and require school districts to develop policies (Hatzenbuehler, Schwab-Reese, Ranapurwala, Hertz & Ramirez, under review).
- In one study, gay and lesbian youth from school districts whose anti-bullying policies did not identify sexual orientation as protected classes had more than twice the rate of past-year suicide attempts than gay and lesbian youth from districts with anti-bullying policies that included sexual orientation as a protected class (Hatzenbuehler & Keyes, 2013).
- The Gay, Lesbian & Straight Education Network promotes use of fully enumerated anti-bullying laws to improve school climate and protect sexual minority students. This group provides a map of enumerated anti-bullying laws by state (www.glsen.org/article/state-maps).

Policy Implications

Bullying is clearly a major problem with many public health consequences linked to depression, violence, suicide, and emotional or psychological development. Altogether, those who are victims, perpetrators and bystanders of bullying bear the consequences of this public health challenge.

Public awareness about bullying has prompted a rush to pass legislation and appear responsive. However, a gap still remains regarding the evidence base on the effectiveness of laws/policies in reducing bullying. Recognizing bullying as a public health issue and developing policies or interventions on sound public health principles that address the entire social ecology of youth from the home, school, community and sociopolitical environment could be the first step in reducing the incidence of bullying and promoting emotional development and academic achievement. However, unfunded policy mandates that lack enforcement, accountability and evaluation are not likely to produce any significant reductions in bullying.

To inform best practices for bullying prevention, a number of critical questions must be answered. First, are anti-bullying laws effective? Early promising research indicates that anti-bullying laws are associated with increased awareness as well as reductions in bullying behaviors both in one state (Iowa) and in 25 states across the country. Additional research is needed to confirm these results and explore if these laws also protect youth often targeted for bullying because of race/ethnicity, sexual orientation, disability, intellect, or physical appearance.

Second, given that 49 states with anti-bullying laws differ in their language, content, required and recommended elements, it still is not known what types of laws are most effective. Evidence suggests that “ideal” legislative and policy components identified by the US Department of Education are protecting children against bullying. Accordingly, students living in states whose anti-bullying laws state a purpose, describe the jurisdiction for regulating bullying, define prohibited behaviors, include enumerated groups, and/or require school district policies have lower bullying victimization rates than students in states that do not have these components. Although promising, in order to be valid and generalizable, findings must be replicated in research studies using strong scientific designs with multiple school communities across the country.

Third, because bullying behaviors are complex, understanding how laws improve the developmental pathways of youth at risk for bullying as victim, perpetrator and victim-perpetrator is essential. Do behaviors change because the school climate is improved, and/or because social norms are changed? Do these mechanisms impact all forms of bullying, and even other forms of youth violence (e.g., weapons carrying, fighting) and risky behaviors (e.g., drug/alcohol use)? Unraveling these mechanisms will enhance our ability to develop laws that actually work. Knowledge about successful anti-bullying laws is highly valuable to legislators and constituents amending laws in existence or creating new laws or policies.

Also critical is knowledge about which elements of the law are most challenging to implement, as well as what factors enhance implementation efforts. From only one study thus far, we know that Iowa schools are doing moderately well in implementing most of the provisions of Iowa’s anti-bullying law. Still, schools are having difficulty in interpreting the legal definition of bullying, often misinterpreting behaviors that leads to both over- and under-reporting of bullying. Bullying

behaviors are complex. In fact, many allegations of bullying are unfounded or misidentified, and among cases where bullying occurs, parties involved rarely fall into clean categories of perpetrator or target. To no surprise, schools are therefore challenged when pursuing disciplinary sanctions. Some take a zero-tolerance stance which leads to highly reactive and punitive approaches that do not address underlying behavioral and social problems among adolescents. Schools have a limited capacity to punish but great capacity to educate students about bullying prevention and prosocial behaviors. In fact, states like Massachusetts mandate anti-bullying skills training programs for students, staff and parents. In other states like Iowa and South Carolina, anti-bullying skills training or programming is recommended or encouraged. The focus on prevention training is admirable, however, in reality, schools are often hard-pressed to adopt programs and trainings. While the evidence is growing, still, the most cost-effective anti-bullying programs, campaigns and trainings are still relatively unknown.

Although challenges exist, our country has come a long way in bullying prevention with now almost all U.S. states with an anti-bullying law. These laws are meant to serve as blueprints for response and prevention with legislative teeth to require their implementation. “The intent is noble,” as one Iowa school district administrator shared. But, the passage of anti-bullying laws represents just the tip of the iceberg; much more is needed to understand if the requirements and recommendations of these laws can be implemented and are, in fact, effective.

Financial and human resources and expertise must be shared with schools tasked to implement numerous, unfunded mandates. Some steps are now being taken in the right direction. In 2014, the National Institute of Justice began funding school violence research that requires partnerships between researchers and school partners. Legislators need to be part of this collaborative effort to understand if the laws they have passed are working, and to identify the weak points in current laws for improvements through amendments. Similarly, schools, the constituents responsible for implementation, need the knowledge, skills and resources to carry out these provisions. Envision a toolbox from which schools can select from a menu of evidence-based approaches that align with state anti-bullying requirements, such as model policies that are feasible to implement, remedial plans and mental health supports that work, and cost-effective training and programming.

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Additional Resources

<http://www.stopbullying.gov/laws/key-components/>

<http://www.stopbullying.gov/laws/>

<http://lawatlas.org/query?dataset=anti-bullying-laws>

http://www.lgbtmap.org/equality-maps/safe_school_laws

<http://www.bridgit.com/>