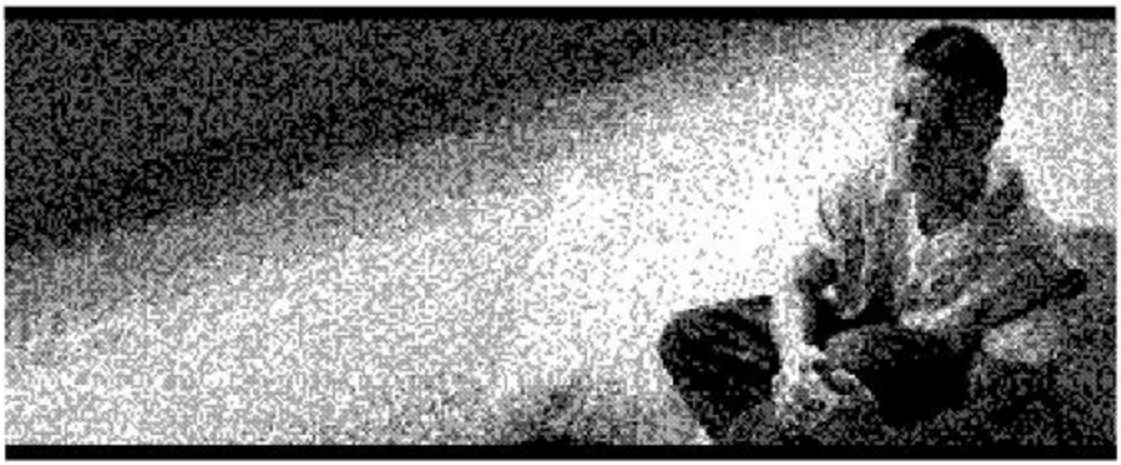
Protecting our Children



Attorney General's Task Force Report
on a
Legislative Response
to
Bullying

Protecting Our Children
Attorney General's Task Force Report on a Legislative Response to Bullying

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January 15, 2001

The Honorable Christine Gregoire
Office of the Attorney General
Highway-Licenses Building
Olympia, WA 98504

Re: Bullying Task Force Report

Dear General Gregoire:

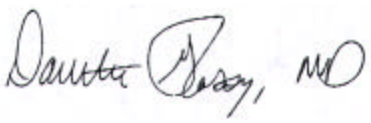
As Chairperson of the Attorney General's Task Force, I am pleased to transmit our report to you entitled *Protecting Our Children -- Attorney General's Task Force Report on a Legislative Response to Bullying*.

In July 2000, you charged the Task Force with developing ideas to reduce bullying in our schools. The Task Force has successfully completed the first phase of that charge. The task force inventoried the country to see what laws and legal cases exist in other states. Our research and subsequent recommendation are included in this report.

The task force believes there are effective courses the member organizations can take individually or collectively to address this issue. However, as a first step, we believe that legislation can have a broad and effective impact.

On behalf of the Task Force, thank you for the opportunity to participate in the discussion and to craft this report and legislation. We look forward to continuing our work with you and to help make our schools as safe as they can be.

Sincerely,



Danette S. Glassy, MD, FAAP
Washington Chapter President,
American Academy of Pediatrics

Introduction

During my tenure as president of the National Association of Attorneys General (NAAG) in 1999-2000, my fellow attorneys general and I visited schools, throughout the nation and in our home states, to learn first-hand the causes of youth violence. During my visits to Washington State elementary, middle, and high schools, I met with those who face youth violence every day -- students, teachers, administrators and parents. My central questions to the participants were, "What causes youth violence?" and next, "What should we do about it?"

Overwhelmingly, I heard that the causes of youth violence lie first in the home and that the second leading cause of youth violence is the bullying, teasing, harassing, and tormenting that occurs in schools. The results of my listening conferences and those held by my colleagues around the country were published in April 2000 in a NAAG report prepared by my office, *Bruised Inside, What Our Children Say About Youth Violence, What Causes It, and What We Need to Do About It*. "Bruised inside" is a term used by a middle-school girl who spoke of the lasting emotional pain of being bullied. If we look at the national cases of school shootings, such as the tragedies in Littleton and Moses Lake, a critical element behind the shootings was relentless teasing and harassing that eventually exploded into violence.

While both students and teachers in our listening conferences agreed that bullying was pervasive, most believed that little action had been taken to stop it. The students honestly acknowledged their part and admitted they do little to stop it or report these attacks on kids who desperately need help, all for fear of being picked on themselves.

In July 2000, I formed a volunteer task force to look deeper into the bullying issue. Specifically I asked its members to examine steps to address bullying in our schools. The task force is chaired by the president of the Washington Chapter of the American Academy of Pediatrics Dr. Danette Glassy. It includes a diverse mix of experts including teachers and school officials, parent and community organization representatives, a psychologist, a law enforcement officer, and a very bright and straight-talking eighth grader. As a first step, the task force recommended legislation to help equip schools with the necessary tools to mitigate youth violence. The task force's recommended legislation and research are presented in this report.

With sincere thanks and appreciation I accept this task force report. I would like to specifically thank Dr. Glassy, members of the task force, and the dozens of stakeholder organizations that weighed in on this important discussion and provided their input on the bill. Without their dedicated commitment to the children of Washington this project would not have been possible.

I respectfully ask the Legislature to act on the task force's recommendations to ensure a safer and better learning environment in our schools.

Sincerely,

CHRISTINE O. GREGOIRE
Attorney General

Executive Summary

The Problem

School violence has become a matter of grave public concern. Although studies show our children are safer at school than anywhere else, even in that relatively controlled environment, violence is all too common. Violent outbreaks at schools have prompted public officials to search for answers, both to protect our children's safety and to ensure that schools might once again be places of learning free from the threat of violence.

A 1993 survey of 729 school districts revealed that they had implemented over 750 different violence prevention initiatives. (Melton, 1998). These initiatives varied widely in their goals and strategies but few of the programs focused specifically on the prevention of bullying. *Id.*

Traditionally, "bullying" has not been taken seriously. Too often, acts of bullying have been written with the comment that "boys will be boys" or "that's just part of growing up, all kids pick on each other once and awhile." However, these attitudes are changing as news reports and research begins to draw a firm connection between acts of bullying and high profile acts of school violence, such as the 1999 shooting in Littleton, Colorado. Several perpetrators of violent crimes at schools have indicated that they were motivated by revenge against those who had bullied and tormented them for many years. Many people underestimate the pervasiveness of bullying. Research indicates that:

- 80 percent of adolescents report being bullied during their school years;
- 90 percent of 4th through 8th graders report being victims;
- Up to 7 percent of 8th grade students stay home at least once a month because of bullies;
- Bullies identified by age eight are six times more likely to be convicted of a crime by age 24 and five times more likely to end up with serious criminal records by age 30;
- 71 percent of students report that teachers or other adults in the classroom ignored bullying incidents;
- When asked, students uniformly expressed the desire that teachers intervene rather than ignore teasing and bullying;
- Aggressive behavior is learned early and becomes resistant to change if it persists beyond age eight;
- Bullying often occurs at school in areas where there is minimal or no supervision;
- Most bullying is verbal;
- Bullying begins in elementary school, peaks in middle school, diminishes but does not disappear in high school;

- Boys and girls usually bully same sex classmates with female bullying taking an indirect, manipulative form.
- Effective programs to prevent bullying can actually reduce the level of violence in a school.

Bullying Task Force

At the request of Attorney General Christine Gregoire, Dr. Danette Glassy, Mercer Island Pediatrician and Chair of the Washington State Chapter of the American Association of Pediatrics, called together a group of concerned professionals beginning in July 2000. They joined Dr. Glassy and General Gregoire in a discussion about how the pervasive problem of bullying could be mitigated in our schools.

Each of the participants brought extensive and unique experience to the discussion. Included were:

- A Mercer Island pediatrician who built her career caring for children.
- A Frontier Middle School vice-principal in Moses Lake who negotiated three students safely out of the classroom before tackling and subduing a shooter who had already killed two students and a teacher.
- An eighth-grade student from McIlvaigh Middle School in Tacoma who coined the title of the NAAG report on youth violence, *Bruised Inside*.
- A Port Angeles High School principal who has addressed harassment and bullying issues for years when developing school discipline plans.
- A Seattle Police Department officer who focuses on youth programs and crime prevention.
- A Pasco High School vice-principal with responsibilities for discipline.
- A mother of a murdered daughter who has devoted her career to preventing violence against children.
- A Tacoma psychologist and professor who helped develop a youth anti-violence initiative for the American Psychologists Association and MTV.
- A Spokane family therapist and best-selling author of books about understanding boys and their moral development.
- Governor Locke's executive policy advisor for human services issues
- A former elementary school teacher and a board member of Parents, Families and Friends of Lesbians and Gays (PFLAG).
- A Tacoma middle school guidance counselor who teaches an anti-bullying curriculum throughout the school district.
- The director of Safe and Civil Schools for the Office of the Superintendent of Public Instruction.
- The general counsel to the Washington Education Association.

- The executive director of the Washington Coalition of Sexual Assault Programs who has worked to raise awareness about violence against women and communities.
- Assistant Attorneys General involved in the AG listening conferences and the drafting of *Bruised Inside*.

The task force agreed that it was time to act on this issue. Personal experience and mounting evidence point to bullying as a key factor in violence in our schools. While the task force members agreed that there was much they could do collectively, they decided to pursue legislation as an effective first-step.

The task force held four meetings between July and December 2000 to draft and review a proposed bill. Between meetings, task force members discussed each draft via email and conference call. Final drafts were shared with a broader network of stakeholders including those linked with schools, legislators, parent and community organizations, public health, and law enforcement. The bill is a product of countless hours of research, brainstorming, discussion, constructive criticism, and inspiration.

Bill Summary

The bill would require school districts to ban bullying, harassment and intimidation. To help districts in this effort, the task force recommends the Superintendent of Public Instruction issue a model policy. The districts' policies would set forth appropriate definitions; a description of the behavior desired of students; the consequences of engaging in bullying or falsely reporting another for bullying; and corrective action to be taken. In addition the policy would set procedures for publicizing the policy, reporting incidents, promptly investigating incidents, and protecting students and others from retaliation.

Schools would be required to notify students of the policy. Further, the bill would require districts to incorporate information about the anti-bullying policy into their existing faculty training programs. In addition, if sufficient funds were appropriated, districts would be required to discuss the policy with students and train all school employees and volunteers who have significant contact with students.

Schools and school districts are encouraged to form bullying prevention task forces, programs, and other initiatives that involve school staff, students, administrators, volunteers, parents, law enforcement, and community members.

The bill makes it clear that students and staff have a right to report harassment without fear of retaliation. Employees who witness bullying are encouraged to report it to the proper authorities, and are granted civil immunity from damages if they make such reports promptly.

Legislative findings would include: that a safe and civil environment is necessary for students to learn; that bullying disrupts education and threatens public safety; that unrestrained bullying can escalate into violence; that students learn by example; and that "All students have a right to work and study in a safe, supportive environment that is free from harassment, intimidation and bullying."

Conclusion

One thing is clear. There is no single answer to this pervasive problem. Legislation alone will not stop every bully from physically or verbally tormenting a peer. However, this common-sense legislation is an important first-step toward bringing bullying out of the shadows of school hallways and playgrounds and establishing its prominence as a threat to the safety of our children.

Copy of Z-0562.3/01 3rd draft by SCG:rmh provided to Elaine Rose on 1/19/01.

Brief Description: Requiring policies prohibiting harassment, intimidation, and bullying on school grounds and at school activities.

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ELECTRONIC TRANSMITTAL

AN ACT Relating to preventing harassment, intimidation, or bullying in schools; adding new sections to chapter 28A.635 RCW; and creating a new section.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec. 1.** The legislature declares that a safe and civil environment in school is necessary for students to learn and achieve high academic standards. The legislature finds that harassment, intimidation, or bullying, like other disruptive or violent behavior, is conduct that disrupts both a student's ability to learn and a school's ability to educate its students in a safe environment.

Furthermore, the legislature finds that students learn by example. The legislature commends school administrators, faculty, staff, and volunteers for demonstrating appropriate behavior, treating others with civility and respect, and refusing to tolerate harassment, intimidation, or bullying.

NEW SECTION. **Sec. 2.** As used in sections 3 through 5 of this act, "harassment, intimidation, or bullying" means any gesture or written, verbal, or physical act taking place on or immediately adjacent to school grounds, at any school-sponsored activity, on school-provided transportation, or at any official school bus stop that (1) a reasonable person under the circumstances should know will have the effect of harming a student or damaging his or her property, or placing a student in reasonable fear of harm to his or her person or damage to his or her property, or (2) has the effect of insulting or demeaning any student or group of students in such a way as to disrupt or interfere with the school's educational mission or the education of any student. "Harassment, intimidation, or bullying" includes but is not limited to any such gesture or written, verbal, or physical act that is reasonably perceived as being motivated either by any actual or perceived characteristic in RCW 9A.36.080(3) or by any other distinguishing characteristic.

NEW SECTION. **Sec. 3.** (1) Each school district shall adopt a policy prohibiting harassment, intimidation, or bullying on or immediately adjacent to school grounds, at any school-sponsored activity, on school-provided transportation, or at any official school bus stop. Each school district shall have local control over the content of the policy as long as the policy contains, at a minimum, the components in subsection (2) of this section. It is recommended that the policy be adopted through a process that includes representation of parents or guardians, school employees, volunteers, students, administrators, and community representatives.

(2) Each school district's policy shall, at a minimum, include each of the following components:

(a) A statement prohibiting harassment, intimidation, or bullying of a student;

(b) A definition of harassment, intimidation, or bullying no less inclusive than that in section 2 of this act;

(c) A description of the type of behavior expected from each student;

(d) Consequences and appropriate remedial action for a person who commits an act of harassment, intimidation, or bullying;

(e) A procedure for reporting an act of harassment, intimidation, or bullying, including a provision that permits a person to report an act of harassment, intimidation, or bullying anonymously; however, this subsection (2)(e) shall not be construed to permit formal disciplinary action solely on the basis of an anonymous report;

(f) A procedure for prompt investigation of reports of violations and complaints, identifying either the principal or the principal's designee as the person responsible for such investigation;

(g) The range of ways in which a school will respond once an incident of harassment, intimidation, or bullying is identified;

(h) A statement that prohibits reprisal or retaliation against any person who reports an act of harassment, intimidation, or bullying, and the consequences and appropriate remedial action for a person who engages in such reprisal or retaliation;

(i) Consequences and appropriate remedial action for a person found to have falsely accused another as a means of retaliation or as a means of harassment, intimidation, or bullying; and

(j) A statement of how the policy is to be publicized including notice that the policy applies to participation in school-sponsored activities.

(3) Each school district shall adopt such a policy and transmit a copy of its policy to the office of the superintendent of public instruction by September 1, 2002.

(4) To assist school districts in developing policies for the prevention of harassment, intimidation, or bullying, the office of the superintendent of public instruction shall develop a model policy applicable to grades K-12. This model policy shall be issued no later than December 1, 2001.

(5) Notice of the school district's policy shall appear in any publication of the school district that sets forth the comprehensive rules, procedures, and standards of conduct for the school, and in any student handbook.

NEW SECTION. **Sec. 4.** (1) No school employee, student, or volunteer may engage in reprisal, retaliation, or false accusation against a victim, witness, or one with reliable information about an act of harassment, intimidation, or bullying.

(2) A school employee, student, or volunteer who has witnessed, or has reliable information that a student has been subjected to, harassment, intimidation, or bullying, whether verbal or physical, is encouraged to report such incident to the appropriate school official designated by the school district's policy.

(3) A school employee who promptly reports an incident of harassment, intimidation, or bullying to the appropriate school official designated by the school district's policy, and who makes this report in compliance with the procedures in the district's policy prohibiting bullying, harassment, or intimidation, is immune from a cause of action for damages arising from any failure to remedy the reported incident.

NEW SECTION. **Sec. 5.** (1) Schools and school districts are encouraged to form bullying prevention task forces, programs, and other initiatives involving school staff, students, administrators, volunteers, parents, law enforcement, and community members.

(2) To the extent funds are appropriated for these purposes, each school district shall (a) provide training on the school district's harassment, intimidation, or bullying policies to school employees and volunteers who have significant contact with students, and (b) develop a process for discussing the district's harassment, intimidation, or bullying policy with students.

(3) Information regarding the school district policy against harassment, intimidation, or bullying shall be incorporated into each school's current employee training program.

NEW SECTION. **Sec. 6.** Sections 2 through 5 of this act shall not be interpreted to prevent a victim from seeking redress under any other available law either civil or criminal. Sections 2 through 6 of this act do not create or alter any tort liability.

NEW SECTION. **Sec. 7.** Sections 2 through 6 of this act are each added to chapter 28A.635 RCW.

NEW SECTION. **Sec. 8.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

--- END ---

Findings

1. Potential Liability for Failure to Protect Students from Harassment

School districts, schools, administrators, and teachers can sometimes be and have been held liable for failure to prevent harassment. The seminal case in this area is the Supreme Court's decision in *Davis v. Monroe County Board of Education*. 526 U.S. 629 (1999). *Davis* involved an action by the mother of a fifth grade girl who had been sexually harassed by one of her male classmates. The mother notified the school administration, but no serious action was taken to prevent the boy from harassing her daughter. Finally, the mother filed a lawsuit against the school district for its failure to prevent the sexual harassment as required by Title IX. The Court in a 5-4 decision held that although the school district could not be held liable on an agency theory or negligence, the school district was liable for "deliberate indifference."

The essential element of the Supreme Court's holding in *Davis* is that the district acted with deliberate indifference to a known situation. *Davis* rejected the school district's argument that it could not be held liable for the acts of an independent third party, the boy who perpetrated the harassment. The Court held that recipients of federal funding may be liable for subjecting their student to discrimination where the recipient is deliberately indifferent to known acts of student on student sexual harassment and the harasser is under the school's disciplinary authority. *Davis*, 526 U.S. 629, 646-647. The Court was, however, quick to point out that name calling and teasing is not enough until they become severe and that the harassment must have a systematic effect -- a single incident is not enough. The harassment must be so severe, pervasive, and objectively offensive that it so undermines and detracts from the victim's educational experience that the victim students are effectively denied equal access to an institution's resources and opportunities. *Id.*

Another important case in the area of anti-harassment, intimidation, and bullying is *Nabozny v. Podlesny* 92 F.3d 446 (7th Cir. 1996). In this case, a gay student, Michael Nabozny, alleged he had been tormented from the 7th grade until the 11th grade, when he finally dropped out of school after years of verbal and physical abuse. In one incident he was mock raped by two boys as twenty classmates watched and laughed. No action was taken against the perpetrators of the mock rape and the female principal commented that "boys will be boys." On several other occasions administrators commented that "if Michael is going to be gay he should expect to be harassed by the other students." Michael's mother testified that she had made repeated trips to the schools Michael attended in an effort to end the mental and physical abuse against her son. Each time Ms. Nabozny was assured that action would be taken and her son would be safe, but action was never taken and the abuse continued. Because of the family's financial situation they were unable to place Michael in a private school, so he had no other choice but to return to the public schools. At times Michael would go to live with an aunt in Minnesota to escape the torment. Michael twice attempted suicide and he had poor grades because he missed so much school.

When the case was initially filed the defendants sought a dismissal for failure to state a claim upon which relief might be granted. The trial court agreed with the defendants, but on appeal to the Seventh Circuit, the court reversed, holding that there was enough evidence to support a claim of discrimination under Title IX and a Fourteenth Amendment Equal Protection claim. When the case was remanded, the jury awarded Nabozny $900,000 in damages.

Nabozny presents a disturbing factual scenario where although the plaintiff was ultimately successful on the merits he endured multiple years of mental and physical abuse. Although the district employees were held liable for Fourteenth Amendment gender discrimination and sexual orientation discrimination, they had no due process liability for creating or enhancing a discriminatory environment despite their clear acquiescence to the abuse endured by Nabozny over numerous years. The Seventh Circuit had previously held that local school administrators have no affirmative substantive due process duty to protect students. *J.O. v. Alton Community Unity School Dist. 11*, 909 F.2d 267, 272-73 (7th Cir. 1990). Based on the Supreme Court's ruling in *DeShaney v. Winnebago County Dept. of Social Services*. *DeShaney*, the Seventh Circuit had previously reached the conclusion that school administrators do not have a "special relationship" with students and absent such relationship a state actor has no duty to protect a potential victim. *DeShaney v. Winnebago County Dept. of Social Services*. *DeShaney*, 489 U.S. 189 (1989) (No liability on the part of the Department of Child Services for returning a child to a home where he was subjected to abuse that led to his death). The *Nabozny* Court indicated that it might have been willing to move away from its previous position, but the plaintiff did not challenge the court's holding in *Alton*. *Nabozny*, 92 F.3d at 459.

In Washington, Mark Iverson, a gay student, filed a federal lawsuit against the Kent School District, in 1997, for failure to stop years of alleged abuse and harassment. The suit named the superintendent, assistant superintendent and the principals of the three schools that Iverson attended. Iverson was subjected to over five years of taunting, threats and physical abuse which culminated in an attack by a group of students who kicked him in the head, chest and back, and spat on him calling him derogatory names. The attack was reported to local police and prompted the lawsuit. (Florangela Davila, *Boy bullied as a gay sues Kent schools*, *Seattle Times*, July 24, 1997.)

The suit sought to force the district to enforce the anti-harassment polices that it already had in place and to educate its staff on sexual orientation discrimination. Ironically, the district had one of the toughest zero-tolerance polices for harassment in the country and was a pioneer in implementing polices that call for swift disciplinary action according to the Superintendent. (Dionne Searcey, *Graduate sues Kent School District over anti-gay torment*, Seattle Times October 29, 1998.) The Kent School District eventually settled the suit for $40,000 and pledged to continue to uphold anti-harassment polices.

School districts in other states have also faced lawsuits for failure to prevent incidents of intimidation, harassment, and bullying. In 1992, a Minnesota school principal ignored a female student's request to remove, from a boy's bathroom stall, sexually inappropriate, lewd graffiti written about her. For two years the stall remained unpainted. The school district eventually settled the case for $15,000 and also agreed to institute a new policy to teach students in local schools about the issue. (Walls).

Another lawsuit dealing with student to student sexual harassment involved a seven year old girl who was subjected to name calling and unwelcome touching on the

school bus and at school. The U.S. Dept. of Education found that the girl's civil rights had been violated because the district didn't respond "forcefully" enough to her claim. Although the district did not admit any wrongdoing it settled the case for $15,000, and pledged to be more aware of harassment and enforce against it in their schools. *Id.*

2. State Laws, Rules, Policies, and Programs in Other States That Address Student Harassment

Although numerous states have adopted statutes aimed at curbing school violence, most of these statutes are aimed at "high profile" violence. The majority of the school safety legislation addresses stopping the sale and use of drugs, students bringing weapons to school, or students making threats against the school, such as, threatening to set off a bomb. Several states have statutes that address threats against teachers and administrators, but few states have statues that directly address the more pervasive, yet lower profile, occurrence of "bullying."

Most states have laws that touch on the topic of anti-harassment, but not in a comprehensive manner. For example, almost all states have laws against sexual harassment, but few have statues that address anti-discrimination more broadly. Several states have the equivalent to the Washington anti-malicious harassment statute, but like Washington, no statute that deals directly with anti-discrimination in schools. Numerous states have anti-hazing statutes, but these statutes are not applicable in the general school context because they only address the prevention of harassing behavior associated with joining a school club or athletic team. A few states have laws against what is commonly referred to as "interference with the educational process." These statutes can be applied to bullying but also are directed at problems such as (1) a person calling in a bomb threat, (2) a parent or other person who will not leave a classroom or school when requested by school administrators, or (3) student demonstrators. However, there are several states that have made substantial efforts to prevent bullying at school.

California, Connecticut, Delaware, Georgia, Maine, Minnesota, New Hampshire, Oregon, Vermont, and Wisconsin are the leading states in this effort. These states have all taken different approaches towards addressing the problem of harassment, intimidation, and bullying in their public schools. California, Georgia, Oregon, Minnesota, New Hampshire, Vermont, and Wisconsin have passed specific legislation addressing the issue. Delaware and Connecticut have not passed specific legislation, but Delaware has a comprehensive educational initiative that sends attorneys general into schools to teach anti-bullying workshops and Connecticut recently devoted a day at the state capital to addressing school violence prevention. A significant portion of the program focused on eliminating intimidation, harassment, and bullying in Connecticut schools. Maine already has a comprehensive civil rights law, which addresses issues of intimidation, harassment, and bullying in schools. Additionally, the Maine Office of the Attorney General sponsors workshops in Maine schools and helps establish student organizations committed to addressing incidents of intimidation, harassment, and bullying in the schools it visits. Alaska, Massachusetts, Pennsylvania, Indiana, New

Jersey, and Tennessee also have laws that address bullying in some manner. Despite the differences in approach, all the programs generally contain the following similarities:

- A clear statement of what behavior is prohibited by the law;
- A clear statement of who is protected by the law;
- A clear statement of what the procedures are for reporting an act of harassment, intimidation, or bullying;
- Instructions as to who is responsible for developing a policy and what it must include at a minimum;
- Instructions as to how the plan is to be publicized; and
- A clear statement of what the punishment is for violation of the policy.

The statutes and practices of the states may vary in approach, but all make it apparent that harassment, intimidation, and bullying will not be tolerated in schools and faculty and administrators have an obligation to implement and enforce a program to address the issue. The more comprehensive plans include training for teachers and administrators on the topic of harassment, intimidation, and bullying and a review of the schools' policy to measure its effectiveness. What follows is a brief description of the statutes, policies, and programs initiated by the states in the effort to prevent harassment, intimidation, and bullying in schools.

Alaska

Alaska addresses the problem of bullying in its administrative code under expectations of teacher conduct. The Alaska Code of Ethics and Teaching Standards indicates that a teacher "shall make reasonable efforts to protect students from conditions harmful to learning or health and safety" and "may not expose a student to unnecessary embarrassment or disparagement." Failure to comply with the expectations of the code constitutes grounds for revocation or suspension of certification, a warning, or a reprimand.

Most importantly the code states that an educator may not harass, discriminate against, or grant a discriminatory advantage to a student on the grounds of race, color, creed, sex, national origin, marital status, political or religious beliefs, physical or mental conditions, family, social, or cultural background, sexual orientation; shall make reasonable effort to assure that a student is protected from harassment or discrimination on these grounds; and may not engage in a course of conduct that would encourage a reasonable student to develop a prejudice on these grounds.

California

In 1998, a voter initiative added article I, section 28, subdivision (c) to the California Constitution which states that "[a]ll students and staff of public primary and elementary, junior high and senior high schools have the inalienable right to attend campuses which are safe, secure, and peaceful."

California has a law entitled the Carl Washington School Safety and Violence Prevention Act, applicable to grades 8-12. An appropriation of $100 million was provided in the 1999 Budget Act to fund the program. The funds are to be used to provide conflict resolution personnel, on-campus communications devices, establish staff training programs, and establish cooperative arrangements with law enforcement agencies. Grants were also made to target student violence in two middle schools.

In 1999, the Governor signed the "No More Victims' Violence Prevention and School Safety 2000 Strategy." Although $5 million to fund competitive grants to grades K-7 was included in the act, the Governor vetoed this provision.

Under California Education Code 233 entitled, Human Relations, the state curriculum must include human relations education with the aim of fostering an appreciation of people of different ethnicities. It establishes guidelines for teacher and administrator in-service-training programs on how to prevent and respond to acts of hate violence. The State Department of Education is also to prepare guidelines for the design and implementation of local programs and instructional curricula that promote understanding, awareness, and appreciation of the contributions of people with diverse backgrounds and of harmonious relations in a diverse society. The guidelines are to include methods of evaluating the programs and curricula and suggested procedures to ensure coordination of the programs and curricula with appropriate local public and private agencies.

Additionally, it is grounds for expulsion under California Code section 48900 to commit or attempt to commit a sexual assault or sexual battery or harass, threaten, intimidate, a pupil who is a cooperating witness in a school disciplinary proceeding for the purpose of either preventing that pupil from being a witness or retaliating against that pupil for being a witness.

Under California Code 48900.3, a pupil in any grade 4-12 may be suspended or recommended for expulsion if the superintendent of principal determines that the pupil caused or attempted to cause or participated in an act of hate violence.

Moreover, in the current legislative session, there is a bill that establishes the Bullying Prevention Grant Program for grades 5 and 6 and appropriates $150,000 to the State Department of Education to implement the program. Schools can apply for a grant to implement a two-year bullying program. Each school is eligible for a $5,000 grant.

Colorado

In November 2000, Colorado Attorney General Ken Salazar, John Moran, president of The Colorado Trust, and Dr. Delbert Elliott, director of the Center for the Study and Prevention of Violence at Colorado University at Boulder announced recommendations and findings for Colorado on youth violence prevention issues. The proposals and findings were developed out of Safe Communities-Safe Schools statewide youth violence prevention forums, held in 63 counties, as well as research on youth violence.

Key among the Safe Schools proposals is a recommendation to the Legislature to fund a Bullying Prevention program in Colorado schools. The bullying issue was raised by students and parents throughout Colorado as a major issue for young people. According to newspaper accounts, excessive bullying has been offered as motivation for the murders at Columbine (Jeff Kass, "Witnesses Tell of Columbine Bullying," *RockyMountainNews.com*, October 3, 2000)

In September 2000, Colorado Governor Bill Owens created the Columbine Review Commission to make recommendations on dealing with similar situations to Columbine in the future. In separate hearings, the Commission heard conflicting testimony about bullying at the high school. Columbine Principal Frank DeAngelis had testified that "if it was occurring (bullying), it was not being reported." His testimony was in stark contrast to later public testimony before the Commission. According to the *RockyMountainNews.com* the Commission heard public testimony that bullying was "rampant" at

Columbine (Jeff Kass, "Witnesses tell of Columbine Bullying," *RockyMountainNews.com*, October 3, 2000). The Commission authorized personal interviews and a report to better understand conflicting testimony about bullying at Columbine.

Regina Huerter of the Denver District Attorney's Office wrote and delivered the report entitled *The Culture of Columbine* in December 2000. Her report was based on a total of 34 interviews with 43 interviewees including past and present Columbine students as well as adults. Based on her interviews and research, Ms. Huerter concluded that there was bullying at Columbine. An excerpt of her 12-page report is listed below.

"…It is difficult to say with scientific certainty what is reality regarding bullying at Columbine and what is only perceived as being real. Even with respect to perception, it is also difficult to say with certainty how widely held the perceptions are. What is not in doubt is that bullying occurred at Columbine, that in some instances the school administration reacted appropriately, and in other instances the school administration's reaction is unclear or altogether unknown. Among the people I interviewed, the vast majority believed that bullying existed at Columbine and that it was part of the school's "culture." Some interviewees based their perceptions on incidents that involved only one or two "bullies" and others based their perceptions on the involvement of a larger group of individuals, and different levels of harassing behavior over an extended period of time."

Connecticut

According to the Connecticut Attorney General's Office, student bullying and harassment are dealt with through the student disciplinary statutes. Connecticut law requires each school board to inform parents annually of its policies governing student conduct and school discipline and authorizes punishment ranging from removal from class to expulsion for violation of student conduct policies. CONN. GEN. STAT. § 10-233.

Connecticut law, CONN. GEN. STAT. § 10-15c, holds that discrimination in public schools is prohibited. Children are to be allowed to participate in school activities, programs and courses of study, without discrimination on account of race, color, sex, religion, national origin or sexual orientation. Additionally, the code of professional responsibility for teachers, CONN. GEN. STAT. § 10-145d-400a,) requires that the teachers nurture in students lifelong respect and compassion for themselves and other human beings regardless of race, ethnic origin, gender, social class, disability, religion, or sexual orientation.

In 1999, the Legislature adopted Public Act 99-259 which grants the courts the power to suspend a delinquency proceeding and order a child to participate in a school violence prevention program if the student has been charged with an offense involving physical violence or threatened physical violence at school. These programs, which are paid for by the parents, are provided through and overseen by the Office of Alternative Sanctions and must consist of at least eight group counseling sessions in anger management and nonviolent conflict resolution. This year, the Legislature directed the State Department of Education to report to it next year on the activities undertaken by the local and regional boards of education to counteract aggressive behavior among students in schools under their jurisdiction.

Finally, the Attorney General's Office, in conjunction with the state Legislature, recently held a daylong conference entitled "Creating Safe Schools and Non-Violent Neighborhoods." Part of the program included a forum and training on youth aggression and anti-bullying programs. Dr. Olweus presented his model program and provided a training on the program. A panel of youth, teachers, legislators, and police then participated in a discussion about the program.

Delaware

Although Delaware has no legislation specifically regarding bullying in schools, it does have a comprehensive school crime reporting law, 14 Del. C. § 4112. Harassment is not one of the crimes that the principal is mandated by law to report to the police, but it is a crime that the school may choose to report. The Department of the Attorney General has prosecuted juveniles for harassment that occurred in school. The Delaware statute defines harassment, in pertinent part, as "… intent to harass, annoy or alarm another person: (1) He or she insults, taunts or challenges another person or engages in any other course of alarming or distressing conduct in a manner which the person knows is likely to provoke a violent or disorderly response." 14 Del. C. § 1311.

Furthermore, in January 1999, Attorney General Jan Brady sponsored a two day seminar for school administrators, psychologists, and law enforcement, entitled *Bully Proofing Our Schools Before It's Too Late*. The conference featured a presentation by Paul Von Esson, M.S.W. and Victoria Temple Meyer, Ph.D. based on the book *Bully Proofing Your School*. The second day of the conference featured Stanton Samenow, a nationally recognized expert on the psychology of criminals and author of *Before its Too Late*. Those who attended thought Dr. Samenow's presentation was outstanding, according to Deputy Attorney General Rhonda Denny. Dr. Samenow's research in the criminal mind is the basis for the thinking diaries, which the *Bully Proofing Your School* program uses to help the bullies change their behavior. Many of the administrators went back to their schools and initiated actions to prevent bullying and some have introduced the complete program.

The Delaware Attorney General is consolidating information on bullying and intends to create a website and a brochure on the topic of bullying. The office has already shared videos and other information that they have collected from these programs with many schools throughout the state. The Department of the Attorney General, upon request, presents bully-proofing training sessions to school faculties.

Additionally, the School Crime Deputy and the School Ombudsman from the Delaware Department of the Attorney General has presented a bully-proofing assembly to 4-8 grade students in public and parochial schools across Delaware. The assembly features skits performed by students and combines information relating to Delaware's comprehensive school crime reporting law with the concept of bully proofing. At the assemblies, students are given information regarding bullying and then asked to sign a pledge not to bully. Students also receive the number for the school crime hotline, which was established by the Department of the Attorney General in 1996.

Deputy Attorney General Denny believes that beginning a bully prevention program in middle school is far too late based on the percentages of young offenders that she meets in her line of work.

Georgia

Georgia has a specific law prohibiting bullying. Georgia has defined bullying as "any willful attempt or threat to inflict injury on another person, when accompanied by an apparent present ability to do so, or any intentional display of force such as would give the victim reason to fear or expect immediate bodily harm." GA. CODE ANN. 20-2-751.4.

Each school district must adopt policies, applicable to students in grades 6-12 that prohibit bullying. The rules against bullying must be included in the student code of conduct. If a student commits three bullying offenses within a school year the student is assigned to an alternative school. Each school district must ensure that students and parents are notified of the rules against bullying and the penalties for violating the rules, by posting the district policy at each school and including the policy in the student and parent handbooks. Any school district that fails to comply is ineligible for state funding.

Additionally, the State Board of Education is required to develop a comprehensive character education program for levels K-12. GA. CODE ANN. 20-2-145. This program is known as the "Character Curriculum," and focuses on the students' development of the following character traits: courage, patriotism, citizenship, honesty, fairness, respect for others, kindness, cooperation, self-respect, self-control, courtesy, compassion, tolerance, diligence, generosity, punctuality, cleanliness, cheerfulness, school pride, respect for the environment, respect for the creator, patience, creativity, sportsmanship, loyalty, perseverance, and virtue. The program addresses methods of discouraging bullying and violent acts against fellow students. Local school districts must implement the program in all grade levels and provide opportunities for parental involvement in establishing expected outcomes of the program. The Department of Education is also required to develop workshops for training teachers and administrators in the character education program.

Indiana

Indiana has a statute prohibiting intimidation and threatening another person. “Intimidation” is defined as a person who communicates a threat to another with the intent that the other person engage in conduct against his will. "Threat" is defined as an expression, by words or action, of an intention to unlawfully injure the person threatened or another person, or damage property, unlawfully subject a person to physical confinement or restraint, commit a crime, expose the person threatened to hatred, contempt, disgrace, or ridicule. IND. CODE § 35-45-2-1 .

Maine

Maine has an extensive civil rights protection program.

The Maine Civil Rights Act prohibits anyone from:

“Intentionally interfering with another person’s right to engage in lawful activities through the use of violence, threat of violence or property damage and when the conduct is motivated by bias toward the victim because he or she is a minority.”

The Act specifically applies to bias based on race, color, religion, ancestry, sex, national origin, sexual orientation and physical or mental disability. It makes it unlawful to interfere with another’s right to engage in lawful activities because of that person’s characteristics, actual or perceived, through force or threat of force. The Act prohibits violence or threat of violence, property damage or threat of property damage, trespass or threat of trespass. It also authorizes the Attorney General to file a suit in superior court seeking an injunction. The Attorney General is authorized to recover, from the defendant, the cost of the state’s attorneys and a civil penalty of up to $5,000. A defendant who knowingly violates a civil rights injunction can be charged with a Class D crime punishable by up to one year in jail.

Maine also has a Human Rights Act which, makes it unlawful to discriminate by limiting access to services or benefits to persons based on their characteristics, actual or perceived, The Act prohibits discrimination in employment, housing, public accommodations, education, or credit on the basis of race, color, religion, ancestry, sex, national origin, physical or mental disability, age.

The Office of the Attorney General has filed numerous civil rights actions, bringing 98 cases since August 1992. Only 4 of the 156 defendants subjected to restraining orders have violated those orders. Since the Office has no attorney positions budgeted for civil rights enforcement, the Office uses attorneys who volunteer to handle civil rights cases. The department also trains and certifies Designated Civil Rights Officers (CRO) in police departments throughout the state. The CRO has the responsibility for identifying

hate crimes and bias incidents, reporting those matters to the Department of the Attorney General, and coordinating any resulting investigations.

The Civil Rights Team Project

Maine has found that in virtually every one of the serious civil rights violations involving teenagers, two common denominators existed. First, the serious violence was preceded by months and sometimes years of low level harassment, generally beginning with racial, ethnic, sexual, religious, or homophobic slurs. Second, school administrators were not aware of the earlier harassment because the targeted victims did not pass the information on to the appropriate school personnel due to fear of retaliation.

To combat this problem, the Office of the Attorney General began the Civil Rights Team Project (CRTP). The teams consist of three students per grade level at a school plus one or two faculty advisors. The teams attend a one-day training program conducted by the Department of the Attorney General and then work to provide education and awareness on issues of bias and prejudice at their schools. The teams have attempted numerous different educational approaches including bringing in interactive student theater groups and other presenters, establishing team bulletin boards, and distributing brochures to all students on preventing bias, prejudice, and harassment. The teams also try to get their schools to sponsor diversity days where schools devote a day to educating students about multiculturalism. Team members encourage students to provide information about harassment directly to their members. The teams have no responsibility for discipline. Rather, when a team learns of harassment, it is the team's responsibility to pass the information on to the appropriate school or law enforcement authorities.

Besides providing training to the teams, the Office of the Attorney General conducts an in-service training for faculty and administrators at each of the participating schools. The training takes two and a half-hours and is conducted by two person teams consisting of an assistant attorney general and an outside trainer retained by the office. The training provides information about the Maine Civil Rights Act, enforcement of the Act, and on creating strategies to deal with hateful language and behaviors. The in-service training helps to ensure that the school's staff and administration are supportive of the team's efforts.

The objective of the CRTP is to have a team of students that through their own leadership feel empowered to change the hateful language and behaviors that exist in their schools. The CRTP enables all students to feel safe in an environment were differences are considered "cool." It also allows students to express themselves without fear of retaliation. The CRTP began in 1996 with 18 schools and now has 122 middle and high schools participating, with others on the waiting list.

Maine appears to be the leader in this area of harassment prevention. Maine's CRTP seems like an ideal means of attacking harassment, intimidation, and bullying. In some instances the CRTP teams take on the responsibility for facilitating faculty-training programs on harassment issues. This brings students and teachers together and allows the students to educate the teachers on what the actual problems concerning harassment are in the particular school, rather than providing a district wide policy that may not be appropriate for all schools. There appears to be a common theme among educators when serious acts of violence occur. Typically, it may be: "we had no idea (student name) had been subjected to this pervasive harassment. The incidents occurred outside the supervision of our staff." Maybe if students were a part of the teacher educational program they could inform teachers of the current lingo, times when events generally occur, places where harassment generally occurs, the conflicts between particular groups in the school, or specific persons who promote harassing acts. It is easy to understand that educators are not able to supervise at all moments of the day, but by listening to students, educators can develop better insights into what measures are necessary within

their individual schools to prevent harassment. Students are often quite willing to share information if they are asked in a private, non-threatening environment where their anonymity will be protected.

Massachusetts

Massachusetts General Laws Chapter 76 Section 5 prohibits public schools from discriminating against students on the basis of sex, race, religion, national origin, ancestry, creed, pregnancy, marital or parental status, sexual orientation, or physical, mental, emotional or learning disability.

While Massachusetts does not have laws that prohibit bullying, the state has, as part of its seven year education reform/high stakes testing efforts, developed "frameworks" in academic subjects. This is a new approach for Massachusetts, as the state did not previously recommend curricular content. The Health Curriculum Framework, adopted in October 1999, specifically recommends instruction in such anti-violence initiatives as anti-bullying, anti-teasing, and anti-harassing programs.

Minnesota

Minnesota has a law against harassment and intimidation, but it lacks direct protection against harassment, intimidation, and bullying based on sexual orientation. The Minnesota policies are to target sex, religion, and racial discrimination. However, one very positive aspect of the Minnesota approach is its inclusion of a wide range of community organizations. This makes the safety of children a community issue rather than only a school issue.

Minnesota law mandates that the Commissioner of Children, Families, and Learning; in consultation with the commissioners of health and human services, state minority councils, battered women's programs, sexual assault centers, representatives of religious communities, and the assistant commissioner of the office of drug policy and violence prevention; all are to assist districts, upon request, in developing or implementing a violence prevention program for students grades K-12 that can be integrated into existing curriculum. Each district is encouraged to integrate a program that includes at least a comprehensive, accurate, and age appropriate curriculum on violence prevention, nonviolent conflict resolution, sexual, racial, and cultural harassment, and student hazing. The program is to include planning materials, guidelines, and other accurate information on preventing physical and emotional violence, identifying and reducing the incidence of sexual, racial, and cultural harassment, and reducing child abuse and neglect. MN. ST. Section 120B.22.

The program targets early adolescents for prevention efforts, especially those whose personal circumstances may lead to violent or harassing behavior. The program is to have opportunities for teachers to receive in-service training or attend other programs on strategies or curriculum designed to assist students in intervening or preventing violence in school and at home. Administrative policies are to reflect and staff are to model nonviolent behaviors that do not display or condone sexual, racial or cultural harassment or student hazing. (The program also has a component to assist pregnant teens.) *Id.*

The department of education commissioner is also to maintain and make available to school boards a model sexual, religious, and racial harassment and violence policy. A school board must adopt a written policy that must apply to pupils, teachers, administrators, and other school personnel. The policy must include reporting procedures and set forth disciplinary actions that will be taken for violation of the policy. The policy must be conspicuously posted throughout each school building, given to each district employee and independent contractor at the time of entering into the person's employment, and be included in each school's student handbook. Each school must develop a process for discussing the school's sexual, religious, and racial harassment and violence policy with students and school employees. MN ST § 121A.03.

New Hampshire

New Hampshire has one of the newest and most comprehensive laws against intimidation, harassment, and bullying in schools. In the last legislative session, the New Hampshire Legislature passed a school safety bill designed to protect all students from harassment and violence known as the "Pupil Safety and Violence Prevention Act of 2000." Each school district must adopt a pupil safety and violence prevention policy, which addresses bullying. The state board of education is to issue an advisory to school districts offering guidance on how to implement such a program. The new law requires school districts to take action to prevent and remedy incidents of violence, harassment and discrimination on any basis. Under the new law, school employees will receive training for dealing with minority populations, specifically including gay and lesbian students.

The law requires mandatory reporting of incidents of bullying or harassment. A school employee, or employee of a company under contract with a school or school district, who has witnessed, or has reliable information that a pupil has been subjected to insults, taunts, or challenges, whether verbal or physical in nature, which are likely to intimidate or provoke a violent or disorderly response shall report such incident to the principal, or designee who shall in turn report the incident to the superintendent. Whoever reports a violation or intervenes will be immune from any cause of action that may arise from the failure to remedy the reported incident.

A specific curriculum is not required under the statue, nor does the statute require the inclusion of any curriculum, textbook, presentation, or other materials in any program or activity.

New Jersey

New Jersey has an anti-harassment statute, N.J. STAT. ANN § 2C:33-4. The statute prohibits communications anonymously or at extremely inconvenient hours, or in offensively coarse language, or any other manner likely to cause annoyance or alarm. It is also considered harassment if one subjects another to striking, kicking, shoving, or other offensive touching, or threatens to do so; or engaging in any other course of conduct with purpose to alarm or seriously annoy such other person. The statute specifically addresses enhanced penalties for acting with a purpose to intimidate an individual or group of individuals because of race, color, religion, gender, handicap, sexual orientation or ethnicity.

Oregon

Existing law prohibits one student from threatening, intimidating, harassing, or coercing any fellow student. OR. REV. STAT. § 339.250(4). In 1999, the Oregon Legislature added requirements to the burdens carried by school administrators with respect to threats of violence or harm in public schools. The Attorney General's Committee on School and Community Safety has been meeting regularly since early 2000. It has heard presentations touching on the importance of controlling student-on-student bullying or harassment as part of an overall strategy to improve school safety, but no information has been received purporting to measure the effectiveness of any particular strategy.

Additionally, a district may suspend or expel any student who assaults or menaces a school employee or another student. The statute defines menace as words or conduct through which the student intentionally attempts to place a school employee or another student in fear of imminent serious physical injury. The use of threats, intimidation, harassment or coercion against any fellow student or school

employee, open defiance of a teacher's authority or use or display of profane or obscene language is sufficient cause for discipline, suspension or expulsion from school. School districts must also develop policies on managing students who threaten violence or harm in public schools. The policies adopted by a school district must include staff reporting methods and require an administrator to consider immediately removing a student from the classroom setting when the student has threatened to injure another person, place the student in a setting where the behavior will receive immediate attention, or require the student to be evaluated by a licensed mental health professional before allowing the student to return to the classroom setting. The school administrator must notify the parent or legal guardian of the student's behavior and the school's response. OR. REV. STAT. § 339.250.

School districts must also notify the parents of a student when the student's name appears on a targeted list that threatens violence or harm to the students on the list; or when threats of violence or harm to the student are made by another student. School districts must attempt to notify the persons by telephone or in person within 12 hours of the threat. School districts must follow up this notice with a written notification within 24 hours. School districts, school boards and public school officials that provide the required notice will not be liable for any civil claim arising out of the notification.

Pennsylvania

Pennsylvania law states: "It is the policy of the Board that educational programs shall be provided without discrimination on the basis of race, sex, color, religion, disability, sexual orientation or national origin." 22 PA. CONS. STAT. § 5.4

Additionally, the professional educator may not discriminate on the basis of race, national or ethnic origin, culture, religion, sex or sexual orientation, marital status, age, political beliefs, socioeconomic status, disabling condition or vocational interest against a student or fellow professional. This list of basis of discrimination is not all-inclusive. PA. CONST. STAT. § 235.8.

Pennsylvania also prohibits harassment and stalking. Harassment occurs, according to the statue, when a person, with intent to harass, annoy or alarm another, the person, strikes, shoves, kicks or otherwise subjects the other person to physical contact, or attempts or threatens to do the same, follows the other person in or about a public place or places, or engages in a course of conduct or repeatedly commits acts which serve no legitimate purpose. 18 PA. CONST. STAT. 27.

Tennessee

Under Tennessee law, each school code of conduct must contain the type of behavior expected from each student and the consequences of failure to obey such standards. Each code is to address the topics of language used by students, respect for all school employees, fighting, threats, weapons on school property or at school functions, damage to the property or person of others, misuse or destruction of school property, drug or alcohol abuse, the sale or distribution of drugs or alcohol, student conduct on school property, conduct in classes, and such other subjects as the local governing body may choose to include. TENN. CODE ANN 49-6-4013.

There is also a civil cause of action for malicious harassment. TENN. CODE ANN. 4-21-701. A person commits malicious harassment if, among other things, they intentionally threaten, by telephone or in writing in a manner that knowingly annoys or alarms the recipient. It also includes placing anonymous calls, or calls at an hour known to be inconvenient to the victim in an offensively repetitious manner, without a legitimate purpose of communication
TENN. CODE ANN. 39-17-308.

Tennessee law also states that "it is the right of every person regardless of race, color, ancestry, religion or national origin, to be secure and protected from fear, intimidation, harassment and bodily injury caused by the activities of groups and individuals." The statue makes intimidating a person from exercising their civil rights a crime. TENN. CODE ANN. 39-17-309.

Vermont

Vermont has required anti-harassment policies for several years. Under Vermont law, through a process including parents, teachers, students and community members, each school must develop, implement, and annually update a comprehensive action plan to improve student performance within the school. The plan must address the effectiveness of efforts made to ensure the school maintains a learning environment free from harassment, hazing and bullying. The board must enact polices based on sound instructional and classroom management practices and a policy that includes clear discipline policies that are consistently and effectively enforced. VT. STAT. ANN. tit. 16 § 165.

Each school district must also develop a harassment policy that includes a statement prohibiting unlawful harassment of a student and the consequences and appropriate remedial action for staff or students who commit harassment. The district must develop a procedure that directs students and staff how to report violations and file complaints. The plan must involve a procedure for investigating the reports, and should include a description of how the board will ensure that teachers and other staff members receive training in preventing, recognizing, and responding to harassment. The reporting procedures must include an annual designation of two or more people within the school to receive complaints and a procedure for publicizing those people's availability. The procedure must publicize the availability of the Vermont Human Rights Commission, the Federal Department of Education's Office of Civil Rights, and other appropriate state and federal agencies to receive complaints of harassment. Acts of retaliation for reporting harassment are prohibited by the law.

Notice of the policy and procedures must be made available to students, custodial parents or guardians of students, and staff members. Notice is to be in age-appropriate language and should include examples of harassment and hazing. At a minimum, the notice must appear in any publication of the school district that sets forth the comprehensive rules, procedures and standards of conduct. VT. STAT. ANN. tit. 16 § 565.

Wisconsin

Wisconsin statute maintains that no student may be denied admission to any public school or be denied participation in, be denied the benefits of, or be discriminated against, in any curricular, extracurricular, pupil services, recreational or other program or activity because of the person's sex, race, religion, national origin, ancestry, creed, pregnancy, marital or parental status, sexual orientation or physical, mental, emotional, or learning disability. WIS. STAT. § 118.13.

The Wisconsin Administrative Code also bans harassing or discriminating against any student because of age, race, creed, color, ancestry, national origin, marital status, sex, or sexual orientation. Additionally, each school district must develop policies prohibiting discrimination against pupils. The policies must include, among other things, the standards and rules of behavior, including pupil harassment, and disciplinary actions, including suspensions and expulsions. Each school district must also:

- Designate an employee to receive complaints regarding discrimination;
- Establish a procedure for receiving and resolving complaints, including a provision for written acknowledgement within 45 days of receipt of a written complaint and a determination of the

complaint within 90 days of receipt of the written complaint unless the parties agree to an extension of time;

- Annually provide notice of board policies on pupil nondiscrimination, including the name and address of the designated employee and the complaint procedure;
- Include a pupil nondiscrimination statement and the complaint procedure in pupil and staff handbooks and other published materials distributed to the public describing school activities and opportunities.

WIS. ADM. Code § RL 62.11.

Additionally, each school district must evaluate the status of nondiscrimination and equality of educational opportunity in the school district at least once every five years. The evaluation must include review of the following:

- School board policies and administrative procedures;
- Enrollment trends in classes and programs;
- Methods, practices, curriculum and materials used in instruction, counseling, and pupil assessment and testing;
- Trends and patterns of disciplinary actions, including suspensions.
- Participation trends and patterns and school district support of athletic, extracurricular and recreational activities;
- Trends and patterns in awarding scholarships and other forms of recognition and achievement provided or administered by the school district;
- School district efforts to achieve equality of educational opportunity and nondiscrimination.

WIS. ADM. CODE § PI 9.03-06.

The school board must provide an opportunity for participation in the evaluation by pupils, teachers, administrators, parents and residents of the school district. The board must then prepare a written report made available to the public.

Conclusion

The most successful programs are those that involve the students themselves and where students take initiative and responsibility for reducing incidents of bullying. Laws are not self-executing. Passing legislation is a powerful way to direct schools to tackle the problem of harassment, intimidation, and bullying seriously, but schools must follow through to curb harassment. Any law should have incentives that ensure that school districts and administrators enforce the policies once in place. As renowned educator Harry Wong says, there is a difference between rules and routines. Rules enforce for children what it is we do not want them to do. Alternatively, procedures are routines that we desire children to internalize and practice without reminding them. Internalization of procedures can only be accomplished with practice and consistent reminding by teachers and administrators.

Almost nothing could be more important to improving school safety and decreasing incidents of bullying than providing clearly delineated expectations for administrators, teachers, and students alike. A comprehensive effort that encompasses preventative measures and education for school staff members and students is essential

for a bully prevention program to be successful. Research clearly indicates that school-wide initiatives have the potential to greatly reduce incidents of bullying, but these programs are labor intensive and are only successful where the school community makes a unified, consistent effort to end bullying and teachers are provided the support necessary to achieve that goal.

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Task Force Membership

Danette Swanson Glassy, MD
Pediatrician (Task Force Chair)

Dr. Glassy, a general pediatrician in practice on Mercer Island for 11 years, agreed to chair the task force at the request of General Gregoire. She is the current president of the Washington Chapter of the American Academy of Pediatrics -- a child advocacy group dedicated to the health and well being of all children in Washington.

As a pediatrician, Dr. Glassy believes that bullying contributes to the non-well being of children, including leading to youth violence and suicide. Further, she believes if schools had the tools to teach children about conflict resolution, the children would benefit.

Dr. Glassy, a Tacoma native, earned both her undergraduate and medical degree from the University of Washington. She received her training in pediatrics at Children's Hospital of Seattle.

Barry Anton, Ph.D.
Professor of Psychology, University of Puget Sound

Dr. Anton has taught courses in clinical psychology and health and medicine for over a quarter century. He is a Fellow of the American Psychological Association (APA) and serves as the Washington State representative to the APA Council of Representatives.

Dr. Anton has worked to promote the APA/MTV project *Warning Signs: A Youth Anti-Violence Initiative*. The project launched a 30 minute segment on MTV as well as a guide that provides youth with information about identifying the warning signs of violent behavior and how to get help if they recognized these signs in themselves or their peers.

Ahndrea L. Blue

Governor's Executive Policy Advisor and Legal Counsel to the Governor's Executive Policy Office

Before joining the Governor's Policy Office, Ms. Blue was the Chief Operating Officer of the Urban League of Metropolitan Seattle. Prior to joining the Urban League of Metropolitan Seattle, Ms. Blue worked in private practice with the law firm of Lee, Smart, Cook, Martin and Patterson.

Ms. Blue is the recipient of numerous professional and scholastic honors including the 1997 Washington State Bar Association's Young Lawyer Division Thomas Nevelle Pro Bono Award. She is involved in several community organizations including serving as: commissioner on the City of Seattle Women's Commission, Executive Committee Member and Co-Chair of the Legal Redress Committee for the NAACP, Board Member of the Chicken Soup Brigade, and Vice President of Board of Directors for the Central Area Senior Services.

Ms. Blue holds a Bachelor of Arts degree in African American Studies and another in Society and Justice with yearly honors. She obtained her Juris Doctor from the University of Washington School of Law.

Suzanne Brown
Executive Director, Washington Coalition of Sexual Assault Programs

Ms. Brown has managed grass-roots rape crisis centers that serve urban, rural, and tribal populations. She has also assisted with development of curriculum and media tools to raise awareness and increase activism around the issue of violence against women, and communities.

Her duties at the Washington Coalition of Sexual Assault programs include: agency administration, policy development, management, specialized technical assistance, education and training activities, and public policy advocacy.

Susan Carmel
Former Elementary School Teacher and Citizen Activist

Ms. Carmel is a former elementary school teacher and the mother of a gay son. She is a board member of the Seattle chapter of PFLAG (Parents, Families and Friends of Lesbians and Gays) and was cofounder and first president of the Gay Lesbian PTSA of Greater Puget Sound, the first gay PTA in the country.

Mona Cree
Counselor, McIlvaigh Middle School, Tacoma Public Schools #10

Ms. Cree is a counselor for middle school students in the Tacoma School District. In addition to consulting with individual students, teachers, administrators and parents, Ms. Cree presents curricular programs on violence, respect, and conflict resolution in the classroom. Examples of curricula include, Respect and Protect, Get Real About Violence, Second Step, and Character Education.

Ms. Cree earned her undergraduate degree at the University of Washington. She holds a Masters of Arts in Counseling and Guidance from Pacific Lutheran University.

Denise Fitch
Director, Safe and Civil Schools, Office of Superintendent of Public Instruction

As director of Safe and Civil Schools (formerly Safe and Drug-Free Schools), Ms. Fitch works with a variety of child-serving state and local agencies on tobacco, alcohol, drug, and safe schools issues.

Ms. Fitch is co-chair of the Washington State OSPI/WEA Safe Schools Advisory Committee and is affiliated with a number of state and national professional organizations.

Ms Fitch, a former health and fitness instructor, holds a master's degree from Lewis and Clark College in Portland, Oregon.

Mike Guajardo
Dean of Students, Pasco High School (4-A Classification)

Mr. Guajardo has 28 years of education experience, 27 of which have been in Pasco. He has taught at the elementary, junior high, and high school levels. The past four years he has served as Dean of Students at Pasco High School. His areas of responsibility include school safety, crisis management and student discipline

Mr. Guajardo has been involved with a Community Oriented Policing Services (COPS) grant addressing the issue of loitering. Through first-hand experience at school, meetings with local police, and at national conferences, he has learned about bullying through a variety of perspectives.

Mr. Guajardo has talked with many students who have been negatively affected by some sort of bullying. Through his responsibilities for discipline and by talking with the students he has found that the students actions – missing school, skipping school, fights – are directly connected to bullying.

Michael Gurian
Family Therapist, Educator and Best-Selling Author

Mr. Gurian is the author of fourteen books, including the national bestsellers, *The Good Son: Shaping The Moral Development of Boys and Young Men*; *A Find Young Man: What Parents, Mentors and Educations Can Do to Shape Adolescent Boys Into Exceptional Men* and *The Wonder of Boys: What Parents, Mentors and Educators Can Do To Shape Boys Into Exceptional Men.*

Mr. Gurian is a pioneer in the field of male development, and is credited with first bringing "the boys movement" into the national spotlight. He has specialized in male development since 1983, writing nine of his books in that field. His work has been featured in various media, including The New York Times, USA Today, Newsweek, Time, The Wall Street Journal, New Age Journal, Parenting, Good Housekeeping, Redbook, and on The Today Show, CNN, Good Morning America, CBS, PBS, and National Public Radio.

Before becoming a national lecturer in 1994, Mr. Gurian taught Male Psychology and Gender at Gonzaga University's Graduate School of Education.

David M. Horn
Assistant Attorney General

Mr. Horn has been an Assistant Attorney General since 1986. In 2000, he wrote the NAAG report on youth violence, "*Bruised Inside: What Our Children Say About Youth Violence, What Causes It, and What We Need to Do About It*" (NAAG 2000), which is available at www.naag.org. For that work, Mr. Horn received NAAG's 1999-2000 Marvin Award for outstanding leadership, expertise and achievement.

Mr. Horn is currently is currently a member of the Attorney General's Policy and Government Affairs Unit. Prior to joining the policy unit, Mr. Horn served in the Attorney General's Consumer Protection Division since 1990, focusing on fraudulent charitable solicitation and real estate fraud. From 1998 to 2000, he served on the governing board of the National Association of State Charities Officials.

From 1986-89, Mr. Horn represented the Departments of Fisheries and Wildlife, and in 1989-90, he headed the Attorney General's RICO Section. Before joining the Attorney General's Office, Mr. Horn worked at Foster, Pepper & Riviera in Seattle. He is a graduate of Whitman College (1980) and Harvard Law School (1983).

Jon Lane
Assistant Principal, Frontier Middle School, Moses Lake

Mr. Lane is a former teacher and current assistant principal at Frontier Middle School in Moses Lake.

Mr. Lane was directly involved in the school shooting at Frontier Middle School on February 2, 1996. In that incident, a 14-year-old boy entered Frontier Middle School with a rifle, two handguns and 70+ rounds of ammunition. He killed two students and a teacher and held 18 students hostage in a classroom. Mr. Lane was teaching in a classroom two doors down, heard the shots and went down the hall and entered the classroom. He was able to negotiate three students out of the classroom before getting close enough to tackle the shooter and allowing the students to safely exit the room and the police to enter.

Since the tragedy at Moses Lake, Mr. Lane has been active nationally, speaking out on school safety and youth violence.

Shaunte Nantz

Student, McIlvaigh Middle School, Tacoma, Washington

Shaunte Nantz is an eighth grader at McIlvaigh Middle School in Tacoma, Washington.

Shaunte coined the phrase "bruised inside" referencing the pain caused by teasing and bullying, during a listening conference with Attorney General Gregoire. The phrase was later used for the title of the National Association of Attorneys General report on youth violence.

Jerry Painter

Legal Counsel, Washington Education Association

Mr. Painter is General Counsel for the Washington Education Association. He is Co-chair of the School Safety and Violence Prevention Task Force and member of the editorial board of the Safe Schools Coalition. He is a national and state trainer on violence prevention in schools.

Mr. Painter is also a member of the Board of Washington Can We Talk. This program assists parents in talking to their children about violence, drugs and alcohol and sex.

Michelle Reid

Principal, Port Angeles High School (4A classification)

Before becoming principal of Port Angeles High School in 2000, Ms. Reid was Assistant Principal for 15 years with exclusive responsibility for discipline.

Ms. Reid has addressed harassment and bullying issues for several years when developing school discipline plans. She believes that the underlying causes for poor student achievement, poor school climate, and violence issues are the direct result of harassing and bullying behaviors. It is also her belief that bullying and harassment are learned behaviors that can be re-taught by demonstrating new behavior.

Ms. Reid hopes legislation will positively change both behavior and beliefs. Ultimately, she would like to create a campus climate that would allow her six-year-old son to feel safe walking the halls and grounds of her school.

Ms. Reid holds a Bachelor of Science in Chemistry from University of Puget Sound and a Masters of Education from the University of Washington.

Elaine T. Rose

Assistant Attorney General for Government Relations

As the Assistant Attorney General for Government Relations for the Attorney General's Office, Ms. Rose develops and advocates on behalf of positions taken by the Office on state and federal legislative matters. Her liaison responsibilities include the Washington State Legislature, the National Association of Attorneys General, and the Washington State Congressional Delegation.

Ms. Rose joined the Attorney General's Office in January 1993. Prior to coming to the Attorney General's Office, Rose lobbied on behalf of the City of Seattle before the Washington State Legislature. Rose has also served as the assistant director of the Seattle Human Rights Department and has approximately six years experience as counsel and lead staff for committee services in the Washington State Senate.

Ms. Rose holds an undergraduate degree from the University of Oregon. She earned her law degree from the University of Puget Sound, now Seattle University.

Mark Solomon
Crime Prevention Coordinator, Seattle Police Department

Mr. Solomon is a Crime Prevention Coordinator for the Seattle Police Department. He is a non-sworn member of the Department who has worked in the Community Crime Prevention Section for over ten years.

Mr. Solomon was instrumental in the development and implementation of a number of youth initiatives in which the Seattle Police Department is currently involved. He has developed numerous projects in the areas of violence prevention and improving youth-police relations which have earned the Seattle Police Department national acclaim for their efforts. He has served as a Business Watch Coordinator, Youth Programs Coordinator and Volunteer Alliance Coordinator.

Mr. Solomon, who is also a major in the United States Air Force Reserve, holds an undergraduate degree from Seattle University. He is a Seattle native and currently lives in Des Moines.

Jenny Wieland
Founding Board Member of Mothers Against Violence in America.

Ms. Wieland's 17-year-old daughter and only child was murdered by another teen in November 1992. It was then that she turned her pain into purpose by working to reduce youth violence -- in hope that other mothers would not have to experience the loss of a child to violent crime.

Ms. Wieland has been a program director for MAVIA since 1994. She is currently program director for the award-winning Students Against Violence Everywhere (SAVE), the K-12 student-initiated violence prevention program of MAVIA. Wieland has lead the national expansion of more than 125 SAVE chapters nationwide.

Ms. Wieland believes prevention of violence must begin by examining and changing misguided beliefs, feelings, attitudes, and behaviors that unwittingly allow or encourage violence to develop and persist. She has spoken at hundreds of schools and conferences nationwide, including the National Crime Prevention Council's Youth Conference in Denver, and has been involved in the production of many television programs on youth violence -- including MTV's "Generation Under the Gun."

A trained victim advocate who works with homicide survivors, Ms. Wieland is on the advisory board of the National Coalition of Survivors of Violence, an organization founded by Harvard School of Public Health Associate Dean Deborah Prothrow-Stith. She also serves on the board of the Washington Coalition of Crime Victim Advocates. Most recently, Wieland was given a gubernatorial appointment to serve her second term on the Washington State Sentencing Guidelines Commission, and received Senator Patty Murray's prestigious "Golden Tennis Shoe" Award in 1999.

A native of Spokane, Wieland currently resides in Marysville with her husband, Scott.