

# bul·ly·ing (verb)

Efforts to keep kids safe from intimidation at school are gaining momentum, but some question the need for new laws.

BY LAMAR BAILEY

**T**he stories are shocking. Five Florida cheerleaders videotaped themselves beating a classmate who had insulted them in a MySpace posting. They planned to post the video on YouTube.

In California, 15-year-old Lawrence King was shot two times in the head by a classmate in a school computer lab; he died a few days later. The killing followed weeks of harassment after King told classmates he was gay.

These two tragedies are only the latest in a string of violent outbursts in U.S. schools in the past decade. Since 1979, there have been more than 30 fatal school shootings, many of which later turned out to be connected to bullying. The most infamous was the 1999 murder of 12 students and a teacher at Columbine High School in Colorado, and investigators found the boys who carried out the attack had complained about bullying from athletes at the school.

In the wake of these attacks, the media and other observers have pointed to bullying as an underlying cause. One study found that 70 percent of attackers felt bullied.

Legislators have responded with laws aimed at curbing the behavior. But some critics question even the definition of bullying and whether it is realistic to try to control it with new laws.

So what is bullying? Definitions vary, but it generally includes verbal and physical abuse and ignoring or ostracizing someone over a period of time.

Bullying is not just being mean to other kids, researchers say, but often involves fighting and an increased likelihood that kids will carry weapons to school. And it's widespread: More than a quarter of students in a 2005 survey said they'd been bullied, and every day about 160,000 students skip school because they're afraid of bullies, according



Lamar Bailey covers school safety issues for NCSL.

to other research. More than half of students surveyed said they had participated in bullying.

“Both bullies and victims are at high risk of suffering from an array of very serious health, safety and educational risks,” says Dr. Jorge Srabstein, medical director of the Clinic for Health Problems Related to Bullying at Children’s National Medical Center in Washington, D.C.

Those risks include suicide attempts, serious injuries, drug and alcohol abuse, running away, skipping school and poor grades.

Bullies often come from poor families with a history of conflict and violence, so researchers such as Srabstein urge educators and policymakers to focus on help for family members as well as school-based programs. Bullying can be a first step down the road to serious violence, and Srabstein is convinced prevention efforts are crucial.

“Bullying prevention is a matter of urgent public policy, as this form of abuse is at the crossroads of very critical public health, safety and educational hazards,” he says.

#### STATE ACTION

So far, 39 states have laws aimed at reducing harassment, intimidation and bullying at school. Strategies vary, but many include one or more of these approaches:

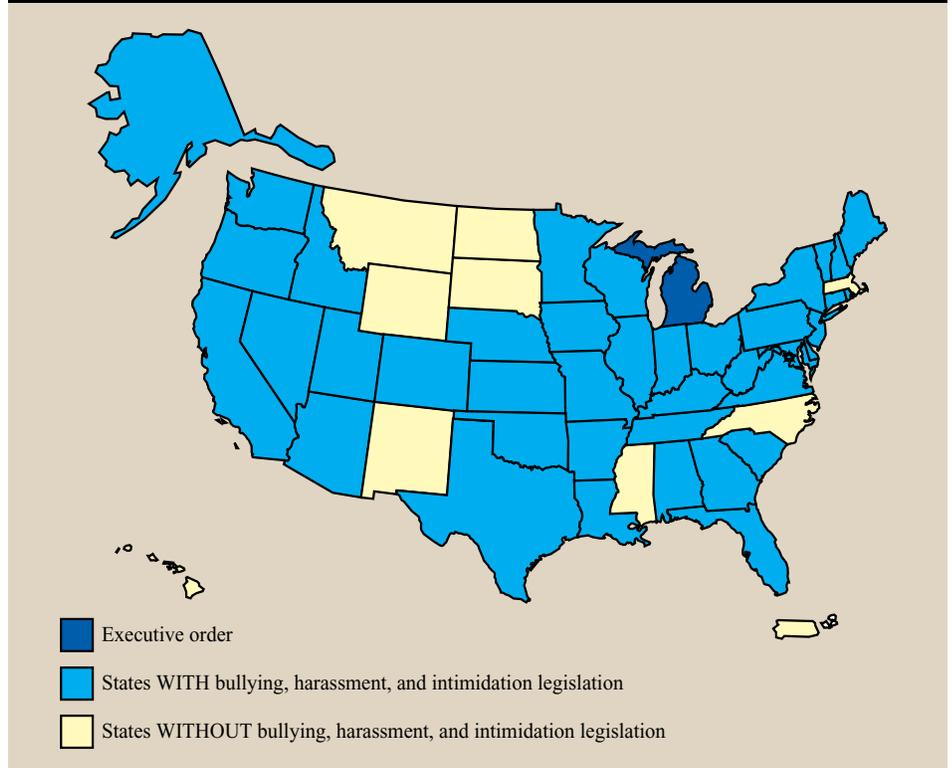
- ◆ Agreeing on a clear definition of bullying.
- ◆ Creating a model anti-bullying policy that local education officials can use as a guide.
- ◆ Creating intervention strategies, such as posting a written anti-bullying policy and punishment for those who bully.
- ◆ Developing a procedure for reporting bullying, which often includes immunity for students and school staff who make reports.
- ◆ Recognizing that bullying is associated with vandalism, shoplifting, dropping out of school, fighting, drug use, and physical violence.
- ◆ Training teachers and staff.
- ◆ Developing classes that promote communication, cooperation and conflict resolution skills.

Eighteen states have laws specifically prohibiting cyberbullying, which involves using instant messaging, chat rooms, e-mails and messages posted on websites to harass people.

#### ARE LAWS MISGUIDED?

There are critics, though, who question the usefulness of anti-bullying legislation that

## School Bullying, Harassment and Intimidation Legislation



targets behavior only at schools, pointing out that some research indicates kids are more likely to be victims of violent crime away from school than at school.

Then there’s free speech. Is it bullying when a child laughs at another child and hurts the other child’s feelings? Is it a good idea to allow governments or school officials to extend their reach beyond school grounds?

These are some of the questions raised by Ronald Collins, a scholar at the nonprofit, nonadvocacy First Amendment Center in Washington, D.C.

From a legal point of view, Collins says, “I don’t know what bullying is.

“Anger is part of the vernacular of the human experience,” he says, no matter how unsettling it may be. “Part of the well-being of our children is that they be able to exercise their First Amendment freedoms.”

Collins is quick to say supporters of anti-bullying legislation aren’t simply being heavy-handed but often “have not taken into consideration the variety of policy concepts and First Amendment concerns.”

To avoid free-speech infringement, Collins says these laws should define bullying precisely and be very narrow in what’s covered. The more laws define bullying as threats of violence or coercion, the more likely they are

to be successful, he says.

“It is not enough to say bullying is bad, so let’s pass a law.”

#### TOUGH NEW LAWS

This year Florida Representative Nicholas “Nick” Thompson sponsored the Jeffrey Johnston Stand Up for All Students Act. Named for a teenager who killed himself in 2005 after being bullied, the bill is considered one of the most comprehensive bullying laws in the nation.

“Kids these days cannot get away from bullying because of cell phones, text messages and computers. They feel there is no hope,” says Thompson.

The Florida legislation bans bullying or harassment of any public school student during a school program, on school buses and with public school computers. By this December, each Florida school district must



**REPRESENTATIVE  
NICHOLAS “NICK”  
THOMPSON  
FLORIDA**



**REPRESENTATIVE**  
**CAROL**  
**SPACKMAN-MOSS**  
**UTAH**

have a bullying policy and keep track of incidents. A wide array of people—students, parents, teachers, local law enforcement and others—must be involved in writing the policy, and parents of bullies and victims have to be notified.

For Thompson, a major aspect of this legislation is that “the lines of communication are open. We want parents to know what is happening in schools.”

In Utah, Representative Carol Spackman-Moss spearheaded a bipartisan effort to pass a bullying law. A high school teacher for 33 years, she believes aggressive, mean behavior is becoming worse.

“I have seen the first-hand effects of bul-



lying,” says Spackman-Moss, noting that one of her relatives was bullied to the point of dropping out of high school.

“It’s best to have local schools deal with bullying,” she says, but notes some schools have sound policies and others don’t. The final bill struck a balance between state and local control by requiring that each school board’s bullying policy contain certain elements, but giving school boards the freedom

to add others.

Spackman-Moss acknowledges bullying is a slippery concept for lawmakers, and says changes to the policies probably will be needed. But she’s proud of the effort in Utah.

“This kind of bipartisan legislation needs to happen more. This is what citizens want,” she says. “We have to make schools a safe environment for kids. If kids do not feel safe, they cannot learn.”

