



**National School  
Boards Association**

August 2006  
www.nsba.org/na

# LEADERSHIP Insider

PRACTICAL PERSPECTIVES ON SCHOOL LAW & POLICY

A Membership Benefit of NSBA National Affiliates

## No Rite of Passage: Coming to Grips with Harassment and Bullying

By Thomas Hutton

When the Colorado state legislature was considering a proposal this year to repeal the state's time limit for bringing sex abuse lawsuits, critics saw the proposal as opportunistic targeting of the Catholic church in the wake of headlines about sexual abuse by priests. On the advice of outside lobbyists, church leaders decided the best defense was a good offense. So they attacked public schools.

Focusing on the fact that Colorado provides public entities a degree of immunity from some state tort claims, an open letter from Colorado bishops denounced the legal "double standard" for sexual abuse claims arising in public and private schools. The letter asserted, "Nationally, the evidence is now irrefutable that sexual abuse and misconduct against minors in public schools is a serious problem, in fact, more serious than anywhere outside the home, including churches."

As a legal matter, the argument had its weaknesses, but this was a political matter, and the tactic probably helped persuade lawmakers to back off.

Among those weighing in on the Colorado debate was Professor Charol Shakeshaft of Hofstra University, whose 2004 report for the U.S. Department of Education suggested that roughly one in 10 pub-

lic school children is a victim of sexual misconduct in school. Even the department distanced itself a bit from this conclusion, but the headlines the report generated were predictable.

Meanwhile, an enormous school climate survey released this spring by the Urban Student Achievement Task Force of the NSBA Council of Urban Boards of Education (CUBE) shed new light on bullying in schools. With responses from nearly 32,000 high school students in 15 urban school districts, the survey found that more than 75 percent of students said they are not bullied during the school day. But 50 percent said they see other students being bullied at least once a month. More distressing, nearly half of the students expressed doubt that teachers really can stop the behavior.

The law is clear about a school district's obligation to prevent harassment and take action when it occurs. And now parents and advocacy groups are delivering a loud message to school officials and other policymakers that children should not have to endure ugly bullying at school as an inevitable rite of passage. They point out that students who are picked on are more likely to have trouble staying focused on learning.

School boards and school boards associations have gotten the message and have been busily tweaking codes of stu-

dent conduct, adopting or revising board policies, and approving new initiatives. Bullying has become a hot topic for the politicians, too, and many states have at least considered new legislation or other state action.

This edition of *Leadership Insider* compiles viewpoints and resources about how school districts can address these problems. More resources are listed on page 12, and links are collected on the NSBA National Affiliate website, www.nsba.org/na.

School attorney Kim Croyle leads off with an overview of legal considerations related to harassment and bullying, as well as preventive tips. She outlines five key steps for school boards to ensure that their districts are acting prudently.

On page 5, school attorney Lisa Swem addresses a relatively new wrinkle for school leaders: cyber-bullying. She discusses the extent to which the First Amendment protects cyber-bullies and whether school officials can discipline them.

Not everyone embraces the entirety of the antibullying push. Wellesley College Senior Research Scientist Nan Stein offers a somewhat more skeptical view on page 4, at least as to certain aspects of the antibullying movement and what she sees as their risks. In particular, she warns against overreliance on a purely zero-tol-

See *Bullying* on page 12

### IN THIS ISSUE

2 Strong school board policies can help prevent bullying

5 When can schools discipline students for cyber-bullying?

9 How a divided community reached common ground

# LEADERSHIP Insider

PRACTICAL PERSPECTIVES ON SCHOOL LAW & POLICY

*Leadership Insider*, is published six times annually by NSBA's National Education Policy Network and its Council of School Attorneys in cooperation with the National Affiliate Program.

Opinions expressed in and by *Insider* do not necessarily reflect positions of the National School Boards Association.

Copyright 2006,  
National School Boards Association.

President **E. Jane Gallucci**

Executive Director **Anne L. Bryant**

---

Co-Editors

Staff Attorney  
**Thomas Hutton**

Manager, Federal and Policy Guidance  
**Karla Schultz**

---

Director of Publications  
**Glenn Cook**

Managing Editor, National Affiliate Publications  
**Ellie Ashford**

Director, National Affiliate Program  
**Gene Broderon**

Production Manager  
**Carrie E. Carroll**

Production Assistant  
**Donna J. Ernst**

*Leadership Insider* is printed and assembled  
by the NSBA Office Services Printshop

## About NSBA

The National School Boards Association is the nationwide advocacy organization for public school governance. NSBA's mission is to foster excellence and equity in public elementary and secondary education in the United States through local school board leadership. Founded in 1940, NSBA is a not-for-profit federation of state associations of school boards and the school boards of the District of Columbia, Hawai'i, and the U.S. Virgin Islands.

## About the National Affiliate Program

The National Affiliate Program extends NSBA's services directly to local school districts. School districts are eligible to join provided they are members in good standing of their state school boards associations.

## About the Council of School Attorneys

The Council of School Attorneys provides information and practical assistance to attorneys who represent public school districts. It offers legal education, specialized publications, and a forum for exchange of information, and it supports the legal advocacy efforts of the National School Boards Association.

## Maintaining Respectful Schools

*What your school board needs to know about preventing and responding to harassment and bullying*

By *Kim Croyle*

It's a dewy summer morning. You take your newspaper and coffee outside to enjoy and are confronted with a front-page headline like one of these—real ones:

- Bullying by Students Faces Greater Scrutiny; Lawsuit against District Illustrates New Look at Old Behavior
- U.S. Teen Harassed By Schoolmates Who Thought He Was Gay Wins \$440,000 Settlement
- Lawsuit: Bullying Wrecked Girl's Life
- Lawsuit Claims School Was Indifferent to Bullying of Student with Disability

Nothing can prepare you for the dismay you feel when your school system is the subject of one of these stories—let alone one of these lawsuits. But you can be prepared to ward off such claims before they're made. Here is some practical advice for understanding harassment and bullying, preventing such behavior before it starts, and responding to complaints once they have been made—plus the consequences of failing to respond.

### What constitutes harassment?

Simple question—right? Not really. As awareness of harassment and bullying has increased, the definition of what is, and what is not, harassment continues to spark debate.

Harassment based on a person's race, gender, ethnic background, religion, national origin, age, or disability is a form of discrimination prohibited by state and federal laws. Discrimination against these "protected classes" is prohibited in places of employment and public accommodations, such as public schools. The statutes provide for administrative relief, as well as avenues to pursue monetary damages through a civil lawsuit. They set a stiff standard for not only eliminating harassment once it's started but preventing it from starting in the first place.

In addition, the U.S. Equal Employment Opportunity Commission and the U.S. Department of Education's Office for Civil Rights investigate allegations of harassment and discrimination and promulgate guidelines for investigating and preventing sexual and other types of harass-

ment. Significantly, the EEOC cautions that:

"Prevention is the best tool to eliminate sexual harassment in the workplace. Employers are encouraged to take steps necessary to prevent sexual harassment from occurring. They should clearly communicate to employees that sexual harassment will not be tolerated. They can do so by providing sexual harassment training to their employees and by establishing an effective complaint or grievance process and taking immediate and appropriate action when an employee complains."

Not only are school systems subject to the Title VII prohibitions against sexual harassment, but Title IX prohibits discrimination on the basis of sex under any education program or activity receiving federal financial assistance.

As part of Title IX's mandate, school systems must provide students with a nondiscriminatory educational environment. This applies to the elimination of harassment, regardless of gender, as well as equality between the genders.

The U.S. Supreme Court also has determined that, in some instances, Title IX may be used as a mechanism for a private lawsuit. In *Gebser v. Lago Vista Independent School District* (1998), the Supreme Court found that a district would be liable for an employee's harassment of a student when district officials knew of the harassment and failed to take any corrective action.

### When is a district liable?

The Court refused to hold districts strictly liable for teacher-on-student sexual harassment under Title IX unless the school district was "deliberately indifferent" to the misconduct. But the standard it set forth in *Gebser* nevertheless opened the floodgates for claims that school officials actually had knowledge of a harassment incident.

Under *Gebser*, a school district will be held liable if:

1. An appropriate school official has actual knowledge of discrimination, including harassment;

2. The school official has authority to take corrective action to address the discrimination;

3. The school official fails to respond adequately; and

4. The inadequate response amounts to deliberate indifference.

A year later, the Supreme Court handed down the decision of *Davis v. Monroe County Board of Education*, which found that a person also can bring a private lawsuit against a school system under Title IX for student-on-student sexual harassment.

In this case, the Court found that a district could be liable for sexual harassment among students if:

1. The school system knew of sexual harassment and was deliberately indifferent to it; and

2. The harassment was so severe, pervasive, and objectionably offensive that it deprived the victim of educational opportunities or benefits provided by the school system.

This pronouncement has significant implications for school districts. If the district lacks antiharassment policies, or if they are out of date, a plaintiff surely will claim that the district has been “deliberately indifferent” to harassment. The same alarm may be raised if a district does not follow its own policies in terms of investigation, education, or training.

The Court did recognize in *Davis*, however, that schoolchildren often act inappropriately and that “simple acts of name calling..., even where these comments target differences in gender,” will not necessarily give rise to damages. Instead, the conduct must be “serious enough to have the systemic effect of denying the victim equal access to an educational program or activity.”

In the wake of these Supreme Court decisions, federal and state courts have applied the “deliberate indifference” standard to allegations that extend beyond gender discrimination to other types of harassment and bullying. For example, in the 2003 case of *Bryant v. ISD No. 1-38*, the 10th U.S. Circuit Court of Appeals applied the standard for sexual harassment under Title IX to claims of a hostile environment based on race.

In 2004, the 3rd Circuit Appeals Court, in *Stowe Regional High School Board of Education v. P.S.*, held that a school system’s failure to prevent bullying and harassment based on disability resulted in

a failure to provide a free appropriate public education as required by the Individuals with Disabilities Education Act.

### How can you prevent harassment?

The responsibilities of school leaders—board members and administrators alike—can be broken down into five key steps:

**1. Know the law.** Many state statutes and state departments of education require school boards to have policies that prohibit harassment and bullying.

**2. Develop a policy that addresses the law.** All school districts should have policies that address harassment and discrimination. In states where such a policy is mandated by law, a district that lacks one will automatically be tagged with deliberate indifference. The policy must not only define specifically what constitutes harassment and bullying, but must also set forth a mechanism for reporting such behavior.

**3. Involve the community.** Parents, students, school employees, and community leaders alike should be involved in developing the policy. When everyone who has a stake in preventing harassment and bullying helps solve the problem, your policies have a much greater chance of success. And when those with different views come to the table, you gain allies in the fight against harassment and bullying.

**4. Make sure students and staff understand the policy.** Too often, good board policies lie dormant because people simply don’t know they exist. Provide for yearly training for students and staff members so they will recognize harassment and know what to do when they see it.

**5. Hold school administrators accountable.** As the court in *Bryant* explained:

“School administrators are not simply bystanders in the school. They are leaders of the educational environment. They set the standard for behavior. They mete out discipline and consequences. They provide the system and rules by which students are expected to follow. ... [W]hen school administrators who have a duty to provide a nondiscriminatory educational environment for their charges are made aware of egregious forms of intentional discrimination and make the intentional choice to sit by and do nothing, they can be held liable.”

School administrators who turn away in the face of harassment have the poten-

tial to incur liability—not only for themselves but for the school board as well.

### How should complaints be addressed?

Unfortunately, even the best prevention efforts won’t guarantee that all harassment and bullying will be eliminated. Make sure people in your school community know how to file a complaint, and post contact information for your district’s human rights or Title IX officer conspicuously in each school building and anywhere else school employees work.

Every complaint must be investigated—never allow one to be ignored simply because it does not “seem” credible. Consider the following guidelines for addressing complaints:

- Appoint one person at each school or facility to receive oral or written reports of discrimination, harassment, or violence in the building. (This person might be the principal. For school facilities that do not have a principal, such as the transportation and maintenance departments, the director should be responsible for receiving the reports.)

- Require school employees to report all alleged incidents of harassment or violence that they observe within 24 hours.

- Ensure that the district’s human rights or Title IX officer is promptly notified of each such report, and then begin an investigation of the complaint.

- Require that, at a minimum, the investigation consist of personal interviews with the person who complained, the person against whom the complaint is filed, and others who might have knowledge of the alleged incident or circumstance that prompted the complaint. The investigation could also include other methods and documents deemed pertinent by the investigator.

- Provide that a written report is forwarded to the district’s human rights or Title IX officer and the superintendent when the investigation is complete, and in most cases not later than 10 working days of receiving the complaint.

- Stress confidentiality about the filing of the complaint, the identity of subjects and witnesses, and any action taken as a result. Strict confidentiality is essential to an effective investigation. Moreover, it will encourage people to come forward and report incidents of discrimination. Only those individuals necessary for the investigation and resolution of the complaint should be given information about it. The right to confidentiality of complainants, subjects, witnesses, and investigators should

be vigorously protected; any violation may be grounds for disciplinary action.

### What if an allegation is proved?

The school district must discipline any individual who has engaged in prohibited conduct. Note, too, that the district also must discipline anyone who takes any adverse action against someone who reports possible discrimination, harassment, or violence—or against someone who cooperates, testifies, assists, or participates in an investigation, proceeding, or hearing on the matter.

“Adverse action” includes, but is not limited to, any form of retaliation or

intimidation, reprisal, coercion, provocation, or harassment.

Keep in mind that having a procedure for students and employees to follow does not deny an individual’s right to pursue other avenues of recourse. These may include filing charges against the perpetrator or the school board or initiating civil or criminal action under state or federal law.

And remember that under certain circumstances, harassment and bullying may constitute child abuse, requiring you to report the incident to your state’s child protective services.

When school districts fail to adopt, understand, and follow their policies, they

are vulnerable to the “deliberately indifferent” label. As the headlines quoted earlier suggest, the damage done to a school system is measured not just in monetary terms, but in wasted time and energy and, ultimately, loss of confidence in the schools.

Most important, the children in your schools deserve the opportunity to learn in an environment free from intimidation and harassment. By being vigilant in enacting and enforcing your policies, you can help make sure that happens.

*Kim Croyle of Bowles Rice McDavid Graff & Love LLP in Morgantown, W.Va., is a member of the NSBA Council of School Attorneys.*

## Words Matter

### *Sweeping serious harassment under the ‘bullying’ rug does students a disservice*

By Nan D. Stein

In this post-Columbine world of zero-tolerance school discipline, one strike has often meant you’re out, no matter what. Sometimes students have been suspended not for what they have done, but for papers they have written, thoughts they have had, and drawings they have created.

More recently, bullying behavior has begun to be grouped under the ever-broadening umbrella of zero tolerance. School districts state that they will not tolerate bullies. They display bully-buster posters on school walls to accompany the new antibullying rules. Eradicating bullies is also all the rage with state legislators and consultants.

Still, there is no agreement on how to define bullying or what kinds of behavior it includes; the parameters of bullying are very elastic. Almost anything has the potential to be called bullying, from raising one’s eyebrow, giving “the evil eye,” and making faces, to verbal expressions of preference for some people over others.

### An ambiguous path

To attach the vague term “bullying” to this behavior is to opt out of the civil rights framework and start down an ambiguous path. Problems pop up all along this path.

Sometimes very egregious behavior is labeled “bullying,” when in fact it might constitute criminal hazing or sexual/gender harassment. To call this kind of behav-

ior “bullying” leaves no opportunity to identify, conceptualize, or investigate the behavior as a violation of rights under specific legal criteria.

When children are very young, it is appropriate to talk about bullying, rather than sexual harassment or sexual violence. But certainly by the time children are in sixth grade, we ought to stop speaking in euphemisms or generalities.

Let’s name the behavior for what it is. To continue using the term “bullying” with older children does them a serious disservice. We infantilize adolescents when we keep calling their inappropriate behavior toward others “bullying”—especially if that behavior might constitute criminal conduct.

Words matter. By sixth grade, children need to be able to understand conduct for what it is, be it harassment, hazing, or sexual violence.

### The wrong direction

School boards and administrators should consider whether they have been too quick to embrace the anti-bullying movement and, in so doing, to abandon the anti-harassment focus.

By calling behavior “bullying” rather than “harassment,” some districts might believe they are less likely to be sued in federal court. After all, harassment and discrimination based on race, disability, gender, or national origin are civil rights violations, and rigorous standards of

proof must be met when such charges are made.

Bullying, on the other hand, violates no federal law, and it is not tied to civil rights. By subsuming serious violations under the bullying umbrella, then, it is possible that students who have been bullied might lose their rights to legal redress.

Approaching the subject of bullying without also talking about harassment and hazing leads us in the wrong direction. The focus should be on ensuring civil rights and equal educational opportunities for all students—rather than on suspending and expelling more students in the name of zero tolerance for bullying. We don’t want to find ourselves suspending students left and right for all sorts of “discomfort” that they might have caused.

Bullying is too arbitrary, subjective, and all-encompassing a concept to be the basis for a sound disciplinary approach. Because there is no threshold for bullying, its use as a criterion is rife with opportunities for abuse of power.

The broad sweep of both the anti-bullying movement and zero tolerance is very troubling. Once we back away from rights, it could be difficult to reclaim them. Instead, let’s stick with rights. Let’s use them, extend them, and reaffirm them.

*Nan D. Stein is senior research scientist at the Center for Research on Women at the Wellesley Centers for Women at Wellesley College, Wellesley, Mass.*

# Sticks and Stones in Cyberspace

By Lisa L. Swem

*“Sticks and stones may break my bones, but words will never hurt me.”*

**B**ullying occurs throughout the K-12 school environment and comes in many forms. With the proliferation of interactive and digital technologies, cyberspace has become a new venue through which bullies can torment their victims. Unfortunately for the victim, technology can afford the bully a greater degree of anonymity and a wider audience.

Although the cyber-bully typically acts far away from the schoolhouse gate, school officials regularly deal with the aftermath of the behavior. But school discipline for off-campus conduct is vulnerable to legal challenge. Litigation challenging such discipline for cyberspace activity generally favors the student when First Amendment protections are implicated and school officials fail to link the conduct to disruption of the learning environment.

## First Amendment protection

In 1997, the U.S. Supreme Court ruled in *Reno v. ACLU* that speech on the Internet deserves the highest level of First Amendment protection.

Student speech has been afforded First Amendment protection since the court’s 1969 ruling in *Tinker v. Des Moines Independent Community School District*. To justify discipline for student speech, school officials have the burden to demonstrate that the student’s conduct would “materially and substantially interfere with the requirements of appropriate discipline in the operation of the schools” or “impinge upon the rights of other students.”

The “material and substantial disruption” part of the test remains the standard by which courts analyze most student speech cases, including speech expressed in cyberspace.

While cyberspace is off campus, the initial inquiry must determine whether the student’s conduct (posting or accessing a website) occurred off campus or at school. Discipline for conduct occurring at school or through school equipment is much less vulnerable to legal challenge, particularly if the conduct violated the school’s acceptable use policy related to technology.

Most litigation is filed in reaction to pending disciplinary sanctions and seeks a court order prohibiting the school from imposing the discipline. In First Amendment cases, the key factor in determining if an injunction should be issued is whether the plaintiff or the school district will likely succeed on the merits of the case.

Most school district defendants attempt to meet this burden by showing that the expression was either a “true threat” or caused—or was reasonably expected to cause—a “material and substantial disruption” to the school environment.

First Amendment protections do not extend to certain types of speech, including threats of violence. As the Supreme Court instructed in a 2003 case, *Virginia v. Black*, “true threats” are “those statements where the speaker means to communicate a serious expression of an intent to commit an act of unlawful violence to a particular individual or group of individuals.”

To determine if a statement is a true threat and outside First Amendment protection, a court typically will examine the following factors:

- What was the speaker’s intent?
- How did the intended victim react?
- Was the communication made directly to the victim?
- Was the threat conditional?
- Did the victim have reason to believe that violence would occur?

## A true threat

A recent federal court decision from New York illustrates how this analysis works. In *Wisniewski v. Board of Education of Weedsport Central School District*, an eighth-grade student created and attached to his computer’s instant messaging feature an icon of a gun pointing to a head, a bullet leaving the gun, and blood splattering from the head. The icon was captioned “Kill Mr. Vander-Molen,” referring to the student’s English teacher. The student attached the icon to instant messages he forwarded from his home computer to about 15 friends, including classmates. His resulting suspension led to a lawsuit claiming that the discipline violated his First Amendment rights.

The court disagreed, concluding that the icon was a true threat and thus not protected under the First Amendment: “On their face, the words ‘Kill Mr. Vander-Molen’ and the accompanying graphic cannot be viewed as anything but an unequivocal, unconditional, immediate threat of injury specific as to the person threatened, such as conveys a gravity of purpose and imminent prospect of execution.”

The court found surrounding circumstances supported this conclusion, including the effect of the icon on the teacher and school officials, the student’s awareness of the school’s position that a threat was no joke, the absence of any factor to the suggestion that the icon was a joke, and the general increase in school violence. The court concluded that “an ordinary, reasonable recipient who is familiar with the context of the icon would interpret it as a serious threat of injury.”

True, this case involved a teacher victim rather than a bullied pupil. But a growing body of case law involves expressive cyberspace activity targeting school officials as well as students. While the facts and circumstances might differ, the analyses courts use to determine if the expressive activity was protected under the First Amendment (and not a true threat) are consistent.

If the student’s expressive activity is not a true threat, school officials must satisfy the *Tinker* requirement by producing evidence to establish that the expression created or threatened to create a “material and substantial disruption” to the school’s operation.

Courts do not accept an administrator’s mere pronouncement of material and substantial disruption based on an “undifferentiated fear.” Rather, school officials have the burden to establish an actual or reasonable forecast of the disruption.

## Disciplinary actions

So far, court decisions involving conduct directed toward other students have found disciplinary actions unconstitutional. A review of these cases illustrates the factors school officials need to be aware of in these situations.

See *Cyberspace* on page 10

# Massachusetts: Collaborating for Safe Schools

*A partnership initiative combats harassment, bullying, and hate crimes in schools*

By Richard W. Cole

In June 2005, Massachusetts Attorney General Tom Reilly launched a new strategy to provide school districts statewide with practical help in promoting educational equity and making them safe from harassment, bullying, and hate crimes.

The Safe Schools Initiative (SSI), as the new strategy is called, is a collaborative effort among Reilly's office and more than 60 experts and organizations representing education, law enforcement, health, academia, civil rights, victim assistance, and prevention. Through the SSI, the attorney general and his partners are developing practical policies, training programs, and

mandatory reporting by staff members whenever and however they become aware of potential violations.

In addition, the sample policy provides step-by-step guidance for investigating and resolving complaints or reports of prohibited conduct. It also establishes formal and informal complaint resolution procedures and provides disciplinary and corrective action options for substantiated complaints.

## Launching a pilot project

Part of the initiative is a pilot project to develop and field test tools and strategies for fostering safe schools and transforming culture and climate. Three school districts

range of information about each pilot district's policies and programs and its schools, students, staff, parents, and community;

2. evaluating the experiences, attitudes, observations, and perceptions of each district's seventh and 10th graders and its entire staff through surveys developed for this project;

3. making school site observations;

4. holding focus group discussions about school climate and culture with representative groups of administrators, teachers, staff, students, parents, and community leaders; and

5. interviewing key district, school, and community leaders.

## Developing action plans

In the second phase of the pilot project, begun in June, the expert teams and districts are developing detailed, data-driven, districtwide, and school-based action plans. Each district is in the process of adopting a civil rights policy and modifying, as necessary, its reporting, complaint response, record-keeping, and investigatory protocols. The districts are designating or expanding the role of a district equity coordinator with broad authority over policy compliance.

The districts are also adopting new incident-tracking forms to help them identify patterns and trends, repeat offenders, and problem sites and to ensure consistently applied discipline by, for example, identifying racial, ethnic, or gender disparities in discipline imposed under the policy.

The action plans may include conducting a wide range of training for administrators, staff, students, and parents; implementing new policy management and oversight systems; adopting new prevention-based strategies and prevention programs and curricula; and increasing community resources and support to achieve each district's goals.

At the end of the 2006-07 school year, the attorney general's staff and the other partners will work with each district to evaluate the progress made in the pilot project and will provide schools throughout the state with strategies, protocols, and programs that have been developed to combat harassment, bullying, and hate crimes.

*Richard W. Cole is senior counsel for civil rights and civil liberties and assistant attorney general in the Massachusetts Office of Attorney General. He serves as co-chair of the statewide Safe Schools Initiative.*

“

**The sample policy provides step-by-step guidance for investigating and resolving complaints or reports of prohibited conduct.**

”

strategies to help schools promote safety and cultivate climates that welcome the rich diversity of their communities.

The SSI responds to increasing concerns about hate, harassment and bullying, and school cultures that may discourage students from standing up against fellow students who victimize their classmates and deter them from reporting even the most serious forms of harassment and bullying.

## Crafting civil rights policy

As an important first step, the attorney general's staff drafted a sample civil rights policy in consultation with the Massachusetts Association of School Committees, Massachusetts Association of School Superintendents, and the state department of education, along with other key education stakeholders and civil rights experts.

The sample policy sets forth rights and responsibilities of school community members when harassment, discrimination, retaliation, repeated bullying behavior, or hate crimes occur. For example, it requires

were selected from 20 that applied to receive intensive on-site technical assistance and training for the 2005-06 and 2006-07 school years. Although distinct geographically, demographically, and in size, the three districts face school safety and civil rights challenges similar to those in many urban, suburban, and rural school districts.

The attorney general's civil rights and child protection staff lead multidisciplinary teams in each pilot district. The teams include seven to nine experts in educational equity, conflict resolution, juvenile justice, civil rights, federal and state anti-harassment laws, child psychology, antibullying strategies, community relations, victim assistance, and prevention.

The first phase of the pilot project, completed in May 2006, involved working with district leadership teams of about 10 to 15 administrators and staff to identify strengths, challenges, technical assistance, and training needs. This needs assessment phase included:

1. collecting and analyzing a broad

# Maryland: Confronting Classroom Bullies

## Data collection is the first step in a statewide antibullying campaign

By Nancy S. Grasmick

Schools are among the safest places for children to be, but work remains to provide positive learning environments that are free of bullying and harassment. Nationally, almost 30 percent of teens are thought to be affected—as a bully, a target of bullying, or both. In a recent survey of sixth to 10th-graders, 11 percent of students said they were victims of bullying. These students can experience anxiety, lowered self-esteem, and difficulty concentrating in class.

Maryland policymakers and educators are combating bullying through a new system of data collection and reporting that

produces data school districts can use to develop or refine antibullying programs.

### Understanding the problem

Last year, the Maryland General Assembly passed the Safe Schools Reporting Act, which requires local school systems to report to the Maryland State Department of Education (MSDE) all incidents of harassment or intimidation against students. The act calls on the department to compile the data and issue an annual report.

The first such report, released in March 2006, contains findings that have helped

educators and policymakers better understand the extent of bullying and harassment in Maryland classrooms. Highlights include these findings:

- A total of 1,054 incidents were reported in schools between Sept. 1, 2005, and Jan. 13, 2006. Most of the incidents (60 percent) involved teasing, name calling, and threatening remarks.
- The most frequent victims of bullying incidents were 12-year-olds, according to submitted reports. Most incidents were perpetrated by 13-year-olds.
- The alleged motives for the incidents, as reported by investigators, ranged

## USING THE INTERNET TO MONITOR BULLYING AND SCHOOL CLIMATE

By Catherine Bradshaw,  
Katrina Debnam, Lucia Martin,  
and Rhonda Gill

Approximately 25 states have passed legislation related to bullying or intimidation at school. Like most states with such legislation, Maryland's policy focuses on mandated reporting and surveillance of bullying incidents. An important step in responding to this requirement is creating a systematic method for efficiently collecting and reporting information on school bullying.

Recognizing that the Internet provides an enormous opportunity for collecting information, Maryland's Anne Arundel County school system, working with the Johns Hopkins Bloomberg School of Public Health, has developed a web-based system to monitor and assess the prevalence of bullying in its 117 public schools.

The password-protected system collects anonymous information, including students' and teachers' reactions to witnessing and experiencing bullying. A critical feature of this system is the user-friendly reporting mechanism, which allows administrators and district staff to view the survey results immediately and generate a variety of preformatted reports summarizing their school's data. The results are displayed in pie and bar

charts and are intended to inform local decision making on school improvement and safety planning.

First used districtwide in December 2005, the system collected anonymous data on bullying and school climate from 25,119 students, 2,263 staff members, and 831 parents. An estimated 74 percent of the students in grades 4 through 10 completed the survey.

Two findings stand out in the preliminary analysis of this data:

- 58 percent of elementary, 74 percent of middle, and 79 percent of high school students said they had witnessed bullying within the past month.
- 32 percent of elementary, 31 percent of middle, and 26 percent of high school students reported experiencing chronic bullying, defined as two or more times within the past month.

These rates are similar to those reported in a 2001 national study of bullying.

As expected, the students who reported experiencing bullying more frequently also reported feeling less safe at school and less connected to their school. Furthermore, increased involvement in bullying was associated with attitudes supporting physical retaliation and defensive fighting.

In addition to providing ongoing technical assistance regarding the use

of the survey system, the district and university partners have conducted a series of workshops for administrators and school staff on data-based decision making. The response to the initiative has been overwhelmingly positive. When surveyed about the web-based system, 75 percent of 223 administrators and staff members said they believed it would have a "moderate" to "significant" impact on their schools' efforts to prevent violence.

Focus groups with administrators suggest that they greatly appreciate having up-to-date information on bullying they can use in planning for school improvement. The district plans to continue use of the Internet-based survey system on an annual basis to meet local evaluation needs and stay abreast of legislative requirements.

*Catherine Bradshaw is an assistant professor at the Johns Hopkins Bloomberg School of Public Health and associate director for the Johns Hopkins Center for the Prevention of Youth Violence, where Katrina Debnam is a field coordinator.*

*Lucia Martin is a resource counselor in the Office of Guidance and Counseling for the Anne Arundel County Public Schools, and Rhonda Gill is the district's director of student services.*

from “just to be mean” (33.2 percent) and “to impress others” (21.2 percent) to physical appearance (9 percent). In more than one in five incidents (21.2 percent), the motivation was not known.

- Most of the incidents took place on school property (84.7 percent). The next most likely place was on school buses (13.3 percent).

Of course, data alone can’t solve problems. But these statistics help us understand the problems of bullying and the importance of reporting and investigating incidents. Once staff members recognize the extent of bullying in the schools, they are more likely to report incidents and make parents and students aware of the resources available to them.

### Addressing the problem

To help school staffs address bullying problems, MSDE released a publication, *Report on Bullying and Harassment in Maryland Public Schools*, which details regulatory changes and classroom activities designed to decrease the incidence of bullying.

The report contains specific recom-

mendations for MSDE and Maryland’s 24 local school systems and provides a full discussion of bullying: what it is; its effects on society; and the national perspective, including efforts in other states.

State-level recommendations include helping districts develop instruments to assess the extent of bullying and harassment in local schools and providing a full-time professional to work with school systems on improving school safety.

Recommendations for school systems include providing ongoing training on bullying and harassment for all staff members and developing and disseminating written district and school policies that prohibit bullying and harassment.

### Building on past efforts

The publication and release of data are just the most recent efforts in Maryland’s targeted program to reduce bullying through regulatory, curricular, and programmatic means. Past efforts include:

- **Regulatory efforts.** In 1999, the Maryland State Board of Education approved regulations designed to ensure that students have safe learning environ-

ments at school. A school safety regulation, approved in 2003, says that students should be free from harassment.

- **Curricular efforts.** Maryland’s voluntary health curriculum addresses harassment and assault prevention. The high school curriculum is even more specific about bullying behavior and its prevention.

- **Programmatic efforts.** MSDE and local systems have promoted a variety of programs designed to improve school safety and decrease bullying and harassment, including one called Positive Behavioral Interventions and Support.

States and school systems have an obligation to set high expectations for student performance. For students to meet those expectations, they must have access to a learning environment that is safe, free from harassment and bullying, and conducive to learning. Maryland is proud to be on the cutting edge of data collection and reporting that will lead to improved environments—and improved learning—for all children.

*Nancy Grasmick is Maryland State Superintendent of Schools.*

---

## Oklahoma: Bullying Prevention

*Through shared goals and combined effort, communities can create safer schools*

By Tina Izadi

**S**purred by growing concern over school safety, threats of violence, and the negative effect of bullying on school climate, Oklahoma enacted the School Bullying Prevention Act in 2002. The act reflected the legislature’s conviction that a comprehensive approach by public schools to implement policies for preventing harassment, intimidation, and bullying was needed to create a safe environment conducive to the learning process.

The act requires each public school to set up a Safe School Committee to facilitate cooperation between families and schools toward developing solutions. The committees are to be made up of at least six members, including equal numbers of teachers, students, and parents of affected students.

Each committee has three charges:

1. to study unsafe school conditions, including student harassment, intimidation, and bullying;
2. to make recommendations to the principal; and
3. to study and recommend ways to encourage the involvement of the community and students and the use of problem-solving teams that include counselors or school psychologists.

### A common goal

The Oklahoma Bullying Prevention Initiative (OBPI) is a project of the Oklahoma Appleseed Center for Law & Justice and is funded by a grant from the Oklahoma State Department of Health. Governed by a coalition of nonprofit organizations that serve a statewide constituency, the OBPI includes a general membership base of agencies, organiza-

tions, and others from across the state that share the common goal of reducing bullying and ensuring the safety of all children.

The purpose of the initiative is to coordinate statewide bullying prevention efforts, to define policy, to educate communities, to provide resources and support to parents and educators, and to develop systemwide solutions to bullying and issues that stem from bullying. Over time, OBPI will develop a comprehensive statewide bullying prevention plan that is based on community input and assessment of need and involves monitoring, review, and evaluation. This plan will be distributed to state-based and national entities.

Three workgroups will assist in the furtherance of the initiative’s goals, policy and legislation, training, and public educa-



tion. The workgroups are designed to capitalize on the strengths of each coalition member. Each of these groups makes recommendations to the OBPI coalition about specific courses of action to be taken with regard to bullying prevention.

The cooperation and collaboration of diverse groups, organizations, and individuals increases OBPI's opportunities to streamline efforts, educate a wider audience, and develop a more comprehensive bullying prevention plan. Among the coalition partners are the Oklahoma Parents Center, the Oklahoma Chiefs of Police Association, the Oklahoma Disability Law Center, and the Oklahoma State Department of Education. OBPI continues to identify potential partners and ways to involve communities in bullying prevention.

### Raising awareness

Public awareness and education are critical components in bullying prevention. Until people understand what bullying is and can identify the warning signs, children's bullying will continue to be undetected by adults. Once understanding is achieved, however, standards can be adopted to discourage bullying by, for example, persuading bystanders not to accept such behavior.

OBPI provides resources for schools, parents, and safe school committees and hopes to serve as a clearinghouse of available resources, such as promoting the SAFE-CALL hotline provided by the Oklahoma State Department of Education. Action kits and tool kits for parents, youths, and adults who work with youths are being developed. OBPI is also investigating the effectiveness of safe school committees in different schools and creating solutions and resources to improve committee effectiveness.

Bullying prevention is possible. It requires a commitment from all of us to create safe environments where children are protected and bullying is not tolerated. Through a combined effort of community leaders, organizations, educators, parents, and others, efforts to combat bullying through recognition and response will lead to safer schools, less crime, and less violence.

*Tina Izadi serves on the board of directors for the Oklahoma Appleseed Center for Law and Justice and is the project coordinator for the Oklahoma Bullying Prevention Initiative. She also serves as a staff attorney for the ACLU of Oklahoma.*

## To List or Not to List?

### *How specific should an antiharassment policy be? One community's search for common ground*

By Wayne Jacobsen

**“W**e're done tonight when 90 percent of us agree on a policy to recommend to the school board.”

That's always my “opening line in sensitive policy negotiations. I usually get a polite laugh, and then it sinks in: He's serious.

This time I was with 22 people who had gathered in the late May heat of a central Iowa school board room. For weeks a proposed antiharassment policy had been making its way through the Marshalltown school board's approval process, and the town was deeply polarized. For the first time the term “sexual orientation” was to be included in the list of attributes for which harassment would not be tolerated.

As you might imagine, not everyone was thrilled with the proposal.

### Debating the issue

Over weeks of heated debate, the controversy seemed to settle on one issue: Would listing specific groups protected by the policy do more harm than good? No one disagreed with the district's need for a clear policy to provide a harassment-free environment for all staff and students, but some hoped a simple statement alone would be sufficient. They wanted *all* to mean *all*, avoiding the need to enumerate targeted groups.

Certainly some people were uncomfortable specifying sexual orientation in the policy. They were concerned it would mandate the promotion of gay pride activities, which would be an affront to their own beliefs. But many genuinely felt that such lists only intensify the divisions in the culture, rather than heal them.

On the other hand, those who proposed the new policy were concerned that if specific forms of harassment were not listed, the policy would too easily be ignored. They had been frustrated by past attempts to get the school staff to take seriously the amount of teasing, name-calling, and bullying in the district based on real or perceived sexual orientation.

To list or not to list? That was the question dividing the community. It is the

focus of a debate going on in districts across the country.

### False dichotomies

When I was first contacted about helping the district, I was asked whether I recommended listing or not listing targeted forms of harassment in such policies.

“Neither,” I answered. “Viewing this controversy in such narrow terms limits the possible solutions that could help this community get through this controversy.”

That's why I don't like being pushed into this kind of false dichotomy. There is no one-size-fits-all answer in situations like this. In truth, such battles often serve to mask the real issue—namely, whether we can build enough mutual respect to work through difficult issues without one side feeling its rights are being co-opted by the other.

I've worked with many communities on similar issues, and the final language is never the same from one to the next. Instead of imposing solutions, I prefer to help a conflicted group of people work together to craft a policy that is fair to them. The process is actually more important than the product.

In Marshalltown, the school board could have resolved the issue itself with a 4-3 vote. Instead, the board sought help and took my recommendation to appoint an advisory committee representing all the voices in this debate. The committee's charge: to have a conversation about their differences and recommend a policy to the board.

After all, what is the value of passing an antiharassment policy by a narrow margin if it only serves to increase the polarization in the community? Such policies are often overturned after the next election, when those who feel disenfranchised work harder to elect single-issue candidates who can change or cancel the policy.

### Defining the common ground

I spent two evenings with the committee, helping the members hammer out an agreement that would not divide their community. In my first couple of hours, I knew the board had appointed the right

people. They represented a broad spectrum of passionate views, and their disagreements were evident. The two sides were polarized, each seeking to convince the other that its view was the only reasonable alternative.

"I was very uncomfortable about coming into this process of 'listening' to each other," recalls committee member Paul Daniel, a child psychologist. "As the names were listed in our local newspaper, it was evident there was an 'us versus them' mentality in the choosing of the names."

Kathy Black, a district employee and a member of the Iowa Civil Rights Commission's Team Diversity, adds, "The thought of coming to an acceptable consensus with so many diverse opinions in such a short time seemed overwhelming."

At this point, committee members had no idea where to find their common ground. They had framed the debate in either/or terms, and the only possible result was for half the room to win and half to lose. But the art finding common ground begins by reframing the argument so people don't just see what they want for their own children but think honestly about what is fair for all children in the district.

So, after we aired the issue and everyone's positions, I gave the committee some brief training on the First Amendment and how it can help us cultivate the common ground on issues regarding our political and religious differences. Public schools are a treasure worth sharing, even with people who disagree with us. But if we're going to share the forum, we cannot insist that public education choose sides on issues when claims of conscience are at stake.

Instead, we must expect the schools to be fair and honest brokers of a common good in which all constituencies are treated fairly. You cannot ask people to participate in a public school system they feel is biased against them. Failing to address these perceptions seriously and respectfully only exacerbates the animosity and resentment that already divides our culture.

In defining a common good that transcends their differences, people begin to discover that they can best protect their own First Amendment rights by protecting those same rights for others with whom they disagree. Under our First Amendment, a school is both safe and free when all members of the school and community commit to addressing their differences

with civility and respect. A safe school is free of bullying and harassment, and a free school is safe for student speech about issues that divide us.

### Working for a common good

The committee's task was not to build a coalition of the like-minded at someone else's expense, but to be fair to the differences in the room. And the members rose to this challenge. Once they saw that people with whom they disagreed wanted to make room for them in this policy, we were headed downhill.

We worked through the proposed policy paragraph by paragraph, noting where there were disagreements and working toward broad consensus. By adding language that recognized their differences, affirmed their First Amendment rights, and reflected their newfound mutual respect, committee members crafted an antiharassment policy even stronger than the one that had divided them.

So, did they list or not list? Actually, both. In the end, the Marshalltown committee removed the enumerated list from the paragraph that defined harassment, emphasizing the word "all." But the policy included the list of federally protected groups and those specifically targeted in the district, for which staff and students would receive future training. And yes, "sexual orientation" was in the list. What's more important, the entire committee affirmed that harassment based on sexual

orientation was a problem the district could no longer ignore.

The important question is never whether we should list or not list, but why we do it, how we do it, and where we do it. The goal is not to exacerbate the conflict but to promote a community that is more committed to the common good.

In negotiations like this, I always shoot for a 90 percent vote, but in truth, I'm willing to accept anything above 80 percent. In the end, this committee recommended its new antiharassment policy to the school board by a vote of 22-0.

"Coming out of the process," said Black, "I felt that the document was as near as any of us could come to our individual wishes, without intruding on the beliefs or escalating the fears of others."

In fact, every person in that room was convinced that the policy the committee ended up with was a better policy than the one originally proposed. And all of them left the room with a better way to handle their differences and an abiding mutual respect that will serve them well in days to come.

In doing so, the Marshalltown community made its public schools a bit more public and a whole lot safer for all.

*Wayne Jacobsen is president of BridgeBuilders, a nonprofit organization that specializes in helping educators, business people, and others work toward common ground on polarizing issues.*

---

### CYBERSPACE

*Continued from page 5*

In a 2000 case from Washington, *Emmett v. Kent School District No. 415*, a student's webpage contained "mock obituaries" of some students and a poll soliciting votes to decide who would "die" next—meaning who should be the next subject of a mock obituary. The webpage also commented about school administration and faculty, but it included a disclaimer that the webpage was only for entertainment purposes. After a TV news story characterized the webpage as a "hit list," the student was placed on "emergency expulsion" (modified to a five-day suspension) for intimidation, harassment, and disruption of the educational process.

Acknowledging the difficulties facing administrators in the post-Columbine environment, the court nonetheless

blocked the discipline, which it found unconstitutional because no evidence was presented that the website really threatened anyone or materially and substantially disrupted school operations.

In *Mahaffey v. Waterford School District*, a 2002 case from Michigan, a high school student was suspended for his "Satan's web page," which contained various lists, including one titled "People I Wish Would Die." The website also advocated rape, murder, drug use, membership in the Ku Klux Klan, and wreaking general havoc.

The site's "mission" directed readers to "stab someone for no reason and set them on fire and throw them off a cliff."

Although the court agreed that the website was repugnant, it found the speech was protected by the First Amendment because it was not a true threat. Because no evidence was presented that the website caused a disruption to school, the

court found the student's suspension unconstitutional.

That same year, another federal court in Ohio ruled in *Coy v. Board of Education of North Canton City Schools*, on a middle school student who created a website with insulting comments about other students described as "losers." It was not clear whether the student's resulting suspension was based on his misuse of a school computer or if it derived from the content of his website. The court ruled that it would be unconstitutional to discipline the student just because school officials did not like the website content.

### Off-campus actions

Then in 2003 a U.S. district court in Pennsylvania considered *Flaherty v. Keystone Oaks School District*, in which a school disciplined a student who posted messages described as "trash talking" about an upcoming volleyball match on an Internet website message board. The court found the discipline unconstitutional because the student's actions occurred off campus and created no material or substantial disruption of the school and did not interfere with the educational process or the rights of other students.

The cases involving off-campus expressive activity directed at school officials, as opposed to other students, generally ask the same two questions:

1. whether the expression is a true threat and therefore not protected by the First Amendment; and
2. whether the expression caused a material and substantial disruption to school operations or caused school officials to believe reasonably that it would do so.

In *Buessink v. Woodland R-IV School District*, a federal court in Missouri in 1998 blocked a student's 10-day suspension for his vulgar website. Finding no material and substantial disruption, the court noted that "disliking or being upset by the content of a student's speech is not an acceptable justification for limiting student speech."

### Substantial disruption

In the 2000 case of *Beidler v. North Thurston School District No. 3*, a Washington high school student was placed on emergency suspension and recommended for expulsion for his "appalling and inappropriate" website, which depicted the assistant principal in unflattering roles, including a Viagra commercial, a cartoon character engaged in sex, and a partici-

pant in a Nazi book-burning. Here again, the state court ruled that the discipline was unconstitutional because there was no evidence of a material and substantial disruption to school.

In a 2001 Pennsylvania case, *Killion v. Franklin Regional School District*, a high school student created and e-mailed his friends a derogatory "Top Ten" list about the school athletic director and administration.

The federal court found that the student's 10-day suspension was unconstitutional because—you guessed it—the school had produced no evidence of a material and substantial disruption to the school. The court commented, "We cannot accept, without more, that the childish and boorish antics of a minor could impair the administrator's abilities to discipline students and maintain control."

In the following year, the Pennsylvania Supreme Court issued *J.S. v. Bethlehem Area School District*, which concerned a middle school student's website titled "Teacher Sux" featuring derogatory comments and images about teachers and the principal. One photo of a teacher's face, morphed into Adolf Hitler, was captioned, "Why Should [the teacher] Die?" An animated picture displayed the teacher's head cut off with blood dripping down the neck.

Although the court found that the statements were not a "true threat," in this case school officials were able to establish that the website interfered with the educational process. After viewing the website, the teacher had suffered from anxiety, weight loss, and stress and had to take a medical leave of absence that prevented her from completing the school year.

Finally, in another case from Pennsyl-

vania this year, *Layshock v. Hermitage School District*, a high school student challenged his 10-day suspension for posting a spoof profile of his principal on MySpace.com (www.myspace.com), a popular Internet site where users can share photos, journals, personal interests, and the like with other users. Here again, school officials presented evidence that the student's actions materially and substantially disrupted school operations and interfered with the rights of others, and the U.S. district court upheld the discipline.

### Plenty of options

Many of these court decisions, no doubt, may be frustrating to school officials, who are left wondering what really can be done to address cyber-bullying of students and school personnel.

The answer: Plenty. In these cases, school officials generally reacted to the situation by imposing discipline that had constitutional implications, but there are many other ways to address this conduct. They can confront the student, involve the student's parents, notify the Internet service provider, contact law enforcement, and refer the incident for a threat assessment.

Still, these decisions make clear that school officials who want to address online harassment or bullying through disciplinary action should carefully consider, when crafting and implementing policies, whether the student's conduct really constitutes a "true threat" or, if not, whether they are prepared to show evidence of the material and substantial disruption to the school environment the conduct caused.

*Lisa L. Swem is an attorney with the Thrun Law Firm in Bloomfield Hills, Mich.*

## MORE PRACTICAL TIPS ON DEALING WITH CYBER-BULLYING

- Make sure your school district's computer use policy includes cyber-bullying in the list of unacceptable uses of district equipment.
- If your district imposes disciplinary consequences for off-campus behavior, notify students and parents of this fact in your student code of conduct and other communications.
- Consider training administrators on these issues, including the fact that courts generally are not impressed by the mere fact that off-campus website

expression might be offensive or controversial.

- Consult your school attorney on issues of discipline for off-campus conduct, especially where there might be free speech issues.
- Consider educational options, such as teaching students about the responsibilities that come with the power of the Internet and teaching parents about ways to make sure they know what their children are doing online.

## BULLYING

Continued from page 1

erance approach and blurring the line between bullying and more serious kinds of harassment.

The examples of efforts from around the country we feature do tend to call for clear definitions of harassment and bullying and for a comprehensive, instead of a purely disciplinary, approach. On page 8 Tina Izadi, project coordinator for the Oklahoma Bullying Prevention Initiative describes her state's requirement that every public school approach the issue locally through a safe school committee.

Maryland State Superintendent of Schools Nancy Grasmick outlines on page 7 that state's efforts, which include a strong emphasis on data collection. On the same page, a team from Maryland's Anne Arundel County Public Schools and

the Johns Hopkins University's Center for the Prevention of Youth Violence describe their innovative use of the Internet to get a handle on the problem.

The Massachusetts Safe Schools Initiative, described on page 6 by Assistant Attorney General Richard W. Cole, avoids state mandates altogether. Rather, the attorney general's office provides information and sample guidance for local school districts to consider and has launched a pilot program in which districts can apply to participate.

One thorny controversy for school boards is how to address harassment and bullying based on sexual orientation, real or perceived. This variety, some observers say—and lawsuits attest—is pervasive in schools and can be particularly vicious.

But are deliberately confrontational statements of religious objections to homosexuality a form of harassment or

constitutionally protected speech? And should the district's antiharassment policy specify sexual orientation as a protected category like race or religion? Wayne Jacobsen of BridgeBuilders recounts on page 9 how the school board in Marshalltown, Iowa, put in place a process that, with his help, succeeded in reaching common ground on this kind of divisive issue.

Jacobsen's success story highlights an important insight about effective education policy, albeit one that seems not to be in vogue lately among many policymakers. Even when it comes to meeting challenges as legally intensive as harassment and bullying, good lawyering and legal oversight are, at best, only part of the equation. Real success requires decision making, leadership, and the hard work of engagement at the local level.

Thomas Hutton is an NSBA staff attorney.

## ONLINE RESOURCES

The documents identified by the contributors to this issue of *Leadership Insider* and related resources are available at the following links. These links also have been collected online for NSBA National Affiliate members on the *Leadership Insider* page of the National Affiliate website [www.nsba.org/na](http://www.nsba.org/na).

### Hutton intro.

CUBE *Where We Learn* school climate report:  
[www.nsba.org/site/docs/38100/38081.pdf](http://www.nsba.org/site/docs/38100/38081.pdf)

### Izadi on Oklahoma

Text of School Bullying Prevention Act:  
[www.bullypolice.org/ok\\_law.html](http://www.bullypolice.org/ok_law.html)  
2004 Oklahoma State Department of Health report on bullying:  
[www.health.state.ok.us/program/injury/RPE/bullyingmanual.pdf](http://www.health.state.ok.us/program/injury/RPE/bullyingmanual.pdf)

### Croyle overview

EEOC guidelines and resources on sexual harassment:  
[www.eoc.gov/types/sexual\\_harassment.html](http://www.eoc.gov/types/sexual_harassment.html)

### Swem on cyber-bullying

Center for Safe and Responsible Internet Use

[www.cyberbullying.com](http://www.cyberbullying.com)

### Stein on zero tolerance

Interview with Nan Stein on antibullying:  
[www.dodea.edu/dodsafeschools/members/seminar/Anti-bullying/featuredtopic.html](http://www.dodea.edu/dodsafeschools/members/seminar/Anti-bullying/featuredtopic.html)

### Cole on Massachusetts

Massachusetts Safe Schools Initiative:  
[www.ago.state.ma.us/sp.cfm?pageid=2082](http://www.ago.state.ma.us/sp.cfm?pageid=2082)  
Sample Civil Rights policy developed with Massachusetts Association of School Committees:  
[www.ago.state.ma.us/sp.cfm?pageid=2087](http://www.ago.state.ma.us/sp.cfm?pageid=2087)  
Information on Safe Schools Initiative pilot project:  
[www.ago.state.ma.us/sp.cfm?pageid=2147](http://www.ago.state.ma.us/sp.cfm?pageid=2147)

### Grasmick on Maryland

2006 Safe Schools Reporting Act report:  
[www.marylandpublicschools.org/NR/rdonlyres/0700B064-C2B3-41FC-A6CF-D3DAE4969707/9382/BullyingReportforGA200631106.doc](http://www.marylandpublicschools.org/NR/rdonlyres/0700B064-C2B3-41FC-A6CF-D3DAE4969707/9382/BullyingReportforGA200631106.doc)  
*Report on Bullying and Harassment in Maryland Public Schools*:  
[www.marylandpublicschools.org/NR/rdonlyres/0700B064-C2B3-41FC-A6CF](http://www.marylandpublicschools.org/NR/rdonlyres/0700B064-C2B3-41FC-A6CF)

[-D3DAE4969707/8600/BHSummary.pdf](http://-D3DAE4969707/8600/BHSummary.pdf)

### Bradshaw et al. on Anne Arundel County

Anne Arundel County Public Schools website:  
[www.aacps.org/](http://www.aacps.org/)  
Anne Arundel County announcement to parents of bullying survey:  
[www.aacps.org/html/press/bullying\\_survey.asp](http://www.aacps.org/html/press/bullying_survey.asp)  
Anne Arundel County student safety hotline information:  
[www.aacps.org/html/press/save.asp](http://www.aacps.org/html/press/save.asp)  
Anne Arundel County harassment or intimidation (bullying) reporting form:  
[www.aacps.org/html/press/bully.asp](http://www.aacps.org/html/press/bully.asp)

### Jacobsen on common ground

Marshalltown Community School District website:  
[www.marshalltown.k12.ia.us/board/index.html](http://www.marshalltown.k12.ia.us/board/index.html)  
Marshalltown advisory committee's proposed policy:  
[www.nsba.org/site/view.asp?cid=1859&did=38747](http://www.nsba.org/site/view.asp?cid=1859&did=38747)  
A consensus First Amendment framework facilitated in part by Jacobsen for handling public school controversies over sexual orientation:  
[www.firstamendmentcenter.org/pdf/sexual.orientation.guidelines.pdf](http://www.firstamendmentcenter.org/pdf/sexual.orientation.guidelines.pdf)