# ALABAMA'S STUDENT HARASSMENT PREVENTION ACT:

Does It Do What It Said It Would Do? A First Look

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#### **ALABAMA'S STUDENT HARASSMENT PREVENTION ACT:**

Does It Do What It Said It Would Do? A First Look

#### INTRODUCTION AND SUMMARY

Three years ago, in 2009, the Alabama legislature passed into law the Student Harassment Prevention Act (the "Act") in an effort to better protect students from harassment in our schools. It was first implemented in the 2010-2011 school year. The subject of this review is determining whether the law has done what it said it would do.

National experts continue to debate what a sound and effective bullying prevention law looks like. As with any law, proper implementation is one key to success. This review documents whether districts have complied with three specific directives of the law: (1) developing a policy, (2) creating a form for victims to report harassment, and (3) reporting the numbers of cases of harassment in schools.

The Alabama School Connection (ASC), through district web site review and specific information requests, verified that:

- 88, or two-thirds, of Alabama's 132 school districts had enacted the mandated policy.
- 66, or half, of Alabama's school districts' had created the mandated reporting forms.

The remaining policies and forms were not received when requested. While the policy and the form have been required in school districts since July 1, 2010, this review discovered four districts to be specifically out of compliance with the law by allowing oral, rather than written, reports of incidents of harassment.

Research confirms that victims of school bullying and harassment suffer detrimental psychological and behavioral outcomes, including lower levels of academic achievement. Many cases of suicide have been linked to school bullying and harassment. This is a serious health issue for our children.

The National Center for Education Statistics (2011) reported that 28% of students ages 12 to 18 reported being bullied or harassed at school, and a 2007 study revealed that 9 out of 10 elementary students in grades 3 through 6 have been bullied (Stanford University Medical Center, 2007). Alabama's numbers, reported for the first time by school districts for the 2010-2011 school year, indicate a lower than expected prevalence of harassment in Alabama's schools. Whether this is due to differences in the terms "bullying" and "harassment", a lack of understanding of the law and its required reporting procedures, or a lack of reporting by victims is unclear. In 2011, Florida's reported bullying and harassment numbers were deemed to indicate underreporting three years after the passage of their anti-bullying law (Catalanello, 2011).

Consideration must be given to the law itself as to whether it is structured in the way that will be most beneficial to students in schools to protect them from bullying and harassment. Alabama is one of 49 states with anti-harassment legislation. Montana is the only state without a law (Bully Police USA, n.d.). While most bullying prevention literature uses the terms "bullying" and "harassment" interchangeably, Alabama's law omits the word "bullying", making it one of only two states (Kentucky is the other) that *does not* include "bullying" as a part of the law (Stuart-Cassell, Bell, & Springer, 2011). The specific protections afforded to schoolchildren through the law are when they are victims of "harassment, intimidation, violence or threats of violence".

Harassment is defined by the Act as "a continuous pattern of intentional behavior that takes place on school property, on a school bus, or at a school-sponsored function including, but not limited to, written, electronic, verbal, or physical acts that are reasonably perceived as being motivated by any characteristic of a student, or by the association of a student with an individual who has a particular characteristic, if the characteristic falls into one of the categories of personal characteristics contained in the model policy adopted by the department or by a local board." So while a single instance of being bullied may not meet the definition, multiple instances, even when perpetrated by different children, do meet the definition of harassment.

The Alabama State Department of Education (ALSDE) created a model policy for school districts to adopt to implement the law's provisions. School districts could either adopt the model policy or craft one of their own, as long as all components of the law were included. The ALSDE initially did not create a model reporting form for districts to adopt. As a result, multiple types of reporting forms have been developed by boards of education. Concerns about the wide variances in, and in some instances the long length of, the mandated reporting form are addressed in this report.

While bullying prevention efforts abound in school districts and in local schools, identifying those efforts were not within the scope of this review. This review focuses on whether school districts are in compliance with the law, and what the reported statistics reveal. Certainly many of Alabama's schools and school districts have developed their own bullying prevention efforts and should be commended.

Recommendations to improve reporting of harassment are included not only to aid victims who need the protections afforded by the law, but also to assist school officials in better determining whether bullying and harassment are a problem in their schools in order to give them the opportunity and tools the law provides to properly deal with school bullying and harassment. While the 2009 law was a good first step, much can be done to ultimately provide a climate free of bullying and harassment in our schools.

#### WHY PROTECTING STUDENTS FROM HARASSMENT MUST BE A PRIORITY

Studies have shown that students who are bullied at school have difficulty learning at school (Swearer, Espelage, Vaillancourt, & Hymel, 2010). A 2010 meta-analysis of 33 studies found a significant relationship between being bullied and lower academic achievement (Nakamoto & Schwartz, 2010). The Centers for Disease Control and Prevention's (CDC) fact sheet on bullying lists many undesirable outcomes for children who are bullied, including being at an increased risk for

developing mental health problems such as depression and anxiety, substance abuse, and even becoming bullies themselves (Understanding Bullying, 2011).

Bullying and harassment in our schools have gained national attention in recent years due in part to the tragic suicides of children who suffered bullying and harassment in their schools. According to the CDC, for youth between the ages of 10 and 24, suicide is the third leading cause of death, resulting in approximately 4,400 lives lost each year (Injury Prevention & Control: Violence Prevention, n.d.). Many more children attempt suicide. Further, the CDC reported that "a nationwide survey of youth in grades 9-12 in public and private schools in the United States (U.S.) found that 15% of students reported seriously considering suicide, 11% reported creating a plan, and 7% reported

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trying to take their own life in the 12 months preceding the survey. Each year, approximately 149,000 youth between the ages of 10 and 24 receive medical care for self-inflicted injuries at Emergency Departments across the U.S." (Centers for Disease Control and Prevention, n.d.). Alabama's percentages were nearly identical to national averages. (Centers for Disease Control and Prevention, 2012).

Given these startling statistics and the varying problems victims of bullying and harassment face, 49 states, including Alabama, have enacted laws requiring schools to develop policies and procedures to help children report bullying and harassment in schools and to empower adults in schools to better deal with bullying and harassment. However, even with new laws and reporting methods, research suggests that bullying and harassment are underreported in schools (Petrosino, Guckenberg, DeVoe, & Hanson, 2010). Research further suggests that without accurate reporting, educators are unable to create policies and craft an environment to end bullying and harassment in their schools (Petrosino, Guckenberg, DeVoe, & Hanson). Simply put, if teachers and school administrators don't know that their students are being bullied and harassed, how can they possibly do anything about it?

#### WHAT THE ACT REQUIRES

The <u>Student Harassment Prevention Act</u> (<u>Appendix A</u>) was passed by the Alabama legislature during the 2009 regular session. The law mandated that local boards of education adopt a policy "to prevent the harassment of students". The law took effect on October 1, 2009.

The legislature charged the ALSDE with the task of developing a **model policy** for school districts to utilize, but did not mandate the adoption of the actual model policy, as long as the locally-adopted

## The Act required these actions from schools:

- (1) Adopt a policy in accordance with the Act,
- (2) Adopt a written form for victims to report harassment in school,
- (3) Develop procedures for investigating reported incidents and providing consequences for students who violate the Act.
- (4) Report statistics on incidents of harassment annually.

policy contained the necessary components in accordance with the Act. In sharing the ALSDE's model policy, then-deputy and now-state superintendent Dr. Tommy Bice, stated the intent of the policy is to ensure that "ALL of Alabama's students participate in a supportive learning environment free from harassment". (Bice, 2009).

Additionally, the law required that incidents of harassment be reported *in writing*, on a **board-approved form** to be made available at a minimum in principals' and counselors' offices in every school in Alabama. Local boards of education were given until July 1, 2010, to adopt the policy and the form and craft methods to publicize the policy and the form.

The law required school districts to develop **procedures** for investigating reported incidents and develop "a series of graduated consequences for any student who commits an

act of intimidation, harassment, violence or threats of violence". The model policy developed by the ALSDE allowed for the procedure and subsequent consequences to be contained in the Student Code of Conduct rather than spelled out in the policy.

As mentioned previously, the law also required each district to **report** to the ALSDE any incidents of harassment and <u>post the numbers of reports in each district on the ALSDE web site</u>.

The <u>ALSDE monitors each school district</u> every three years for compliance, and the adoption of the policy and form are two of the items on which school districts are monitored for compliance. The penalty for specific noncompliance is not spelled out in the law.

The law additionally required all schools to "develop and implement evidence-based practices to promote a school environment...free of harassment, intimidation, violence and threats of violence", to "incorporate into civility, citizenship, and character education curricula awareness of an sensitivity to the prohibitions of this act and local board policy".

#### **BULLYING AND HARASSMENT — WHAT'S THE DIFFERENCE?**

It is important to distinguish "bullying" from "harassment" where possible. The law only protects children from "harassment, intimidation, violence and threats of violence". This does not mean that bullying is allowed in Alabama's schools, only that the law does not protect children from a lone incident of bullying. While most bullying prevention literature use the terms "bullying" and "harassment" interchangeably, Alabama's law omits the word "bullying", making it one of only two states (Kentucky is the other) that *does not* include "bullying" as a part of the law (Stuart-Cassell, Bell, & Springer, 2011). It is unclear why Alabama's law omits the word "bullying" in its law.

Harassment as defined by the law is "a continuous pattern of intentional behavior that takes place on school property, on a school bus, or at a school-sponsored function including, but not limited to, written, electronic, verbal, or physical acts that are reasonably perceived as being motivated by any characteristic of a student, or by the association of a student with an individual who has a particular characteristic, if the characteristic falls into one of the categories of personal characteristics contained in the model policy adopted by the department or by a local board."

Alabama's law further states that to constitute harassment, a pattern of behavior may do any of the following:

- 1. Place a student in reasonable fear of harm to his or her person or damage to his or her property.
- 2. Have the effect of substantially interfering with the educational performance, opportunities, or benefits of a student.
- 3. Have the effect of substantially disrupting or interfering with the orderly operation of the school.
- 4. Have the effect of creating a hostile environment in the school, on school property, on a school bus, or at a school-sponsored function.
- 5. Have the effect of being sufficiently severe, persistent, or pervasive enough to create an intimidating, threatening, or abusive educational environment for a student.

One incident of intentional behavior, then, does not rise to Alabama's level of harassment. It must be "a continuous pattern" and have one of the five effects stated in the law.

#### **HOW THIS REVIEW WAS CONDUCTED**

Locating each district's policy and form were the initial objectives of this study. The ASC began the search in March

*The ASC sought answers to the following three questions:* 

1. Is any bullying or harassment reporting mechanism prominent on the home page of the district's web site?

2012. The model policy developed by the ALSDE stated the "policy and any procedures, and rules and forms developed and approved to implement the policy will be published, disseminated, and made available to students, parents and legal guardians, and employees by such means and methods as are customarily used for such purposes, including publication on the [local board]'s Web site". In appreciation of the ALSDE's intent that districts should post the policy and the form on their district web site, the search for the policy and the form began on each school district's web site.

- 2. Is the anti-harassment policy located anywhere on the district web site?

#### A NOTE ON FEDERAL **DISCRIMINATION LAWS** AND PROTECTIONS FROM HARASSMENT AT SCHOOL

If harassment is due to a child's race, color, sex, religion, national origin, or disability, the child is entitled to additional protections under civil rights and other federal laws.

The ASC has posted a quide for parents and quardians on how to get help if their child is being harassed in Alabama's schools with further information about federal protections.

If the policy could be located on the web site, whether the policy adopted by the district was an exact duplicate of the model policy or whether the district created its own policy was noted, as the model policy required districts to post the policy, form and all procedures on the district's web site. If the reporting form could be located on the web site, a copy of the form was saved for presentation in this report.

If the policy and/or the form were unable to be located on the web site, an e-mail or contact form request was sent to each district's superintendent asking for a copy of the policy and/or form. One superintendent's e-mail continued to be returned; a letter was faxed to that district. 101 communications were sent; 34 responses were received. Understanding that the end of a school year is a busy time for most districts, the ASC appreciates the time districts took to respond to our request. Forms that were received as a result of the request were saved for presentation in this report.

#### HOW MANY DISTRICTS HAVE POLICIES AND FORMS?

Alabama contained 132 school districts during the 2011-2012 school year. The ASC, through district web site review and specific information requests, verified that 88 (67%) of Alabama's 132 school districts had enacted the mandated policy. The remaining 44 districts did not respond to our request nor could the policy be located on their district web site. 66 (50%) districts' mandated reporting forms were either posted on their district web site or provided in response to the ASC's request.

While the policy and the required form have been required for school districts since July 1, 2010, this review discovered six districts to be specifically out of compliance with the law by allowing oral, rather than written, reports of incidents of harassment. Because we were unable to obtain 44 districts' policies, we were unable to determine if their policies conform to the law. The following three tables show our findings numerically.

Table 1: Number of districts posting anti-harassment policy on district web site

Policy on web site	Policy not on web site	TOTAL
69	63	132

Table 2: Number of districts adopting the model versus other policy where policies could be located either on web site or through information request (n=88)

Model Policy	Other than Model	TOTAL
65	23	88

Table 3: Number of districts posting reporting form on district web site

Form on web site	Form not on web site	TOTAL
34	98	132

#### WHAT THE REPORTED DATA TELL US - FIRST YEAR DATA RESULTS

The law specifies that "actual violence, submitted reports of threats of violence, and harassment" in schools must be reported annually to the ALSDE. The data reported in Tables 4 and 5 were obtained from the "Student Harassment Prevention Act Data" report which includes the categories of fighting, harassment, threats and intimidation, and sexual harassment. School year 2010-2011 was the first year for which this data was reported.

Data from ten middle schools were pulled from the report and placed in Table 4 to show the difference in the actual and expected number of reports, based on the national average of 28% of students ages 12 to 18 reporting being bullied or harassed (Petrosino, Guckenberg, DeVoe, & Hanson, 2010).

Table 4: Actual Versus Expected Reporting of Data Required under the Act

School	Population Reported 2010-2011	Total Numbers Reported - Student Harassment Prevention Act Data	Harassment, Threats and Intimidation, Sexual Harassment Only	Expected Number of Reports (28%)
Saks Middle School – Calhoun County	333	18	5	93
Florence Middle School – Florence City	640	45	8	179
Homewood Middle School – Homewood City	814	9	4	228
Bumpus Middle School – Hoover City	1,063	8	7	298
Discovery Middle School – Madison City	962	12	5	269
Jeremiah Denton Middle School – Mobile County	817	211	8	228
Mountain Brook Junior High – Mountain Brook City	1,033	6	4	289
Chelsea Middle School – Shelby County	874	25	20	245
Hillcrest Middle School – Tuscaloosa County	787	75	42	220
Pizitz Middle School – Vestavia Hills City	1,046	3	3	293

[Source: Public Data Reports, Enrollment by Ethnicity and Gender, School Level, ALSDE web site, <a href="http://www.alsde.edu/PublicDataReports/Default.aspx">http://www.alsde.edu/PublicDataReports/Default.aspx</a>; Student Harassment Prevention Act Data 2010-2011, ALSDE web site, <a href="https://docs.alsde.edu/documents/70/Harassment%20Prevention%20Act%20Data%202011.pdf">https://docs.alsde.edu/documents/70/Harassment%20Prevention%20Act%20Data%202011.pdf</a>]

Using the national average, comparing actual and expected numbers indicate that either the national data is unreliable or that the incidents are going unreported. It should be noted that the CDC's 2009 Middle School Youth Risk Behavior Survey found that 30.7% of Alabama's Black students and 42.5% of White students in grades 6 through 8 reported being bullied at school, higher than the national average (2012).

What about Alabama's high schools? The CDC recently released its <u>2011 Alabama data for the Youth Risk Behavior Surveillance System (YRBSS)</u> where it surveyed High School students in grades 9 through 12. Students were asked whether they had been involved in a number of incidents, including whether they:

• Had been bullied on school property (during the 12 months before the survey): 14.1%;

- Had been in a physical fight on school property one or more times (during the 12 months before the survey): 11.8%;
- Had been threatened or injured with a weapon on school property one or more times (during the 12 months before the survey): 7.6%;
- Did not go to school because they felt unsafe at school or on their way to or from school on at least 1 day" (during the 30 days before the survey): 5.1% (Centers for Disease Control and Prevention, 2012).

When using the percentage of Alabama's students self-reporting being in a fight (11.8%), the actual versus expected numbers look like this:

Table 5: Actual Versus Expected Reporting of "Fighting" Data under the Act

School	Population Reported 2010- 2011	Total Numbers Reported - Student Harassment Prevention Act Data	Expected Number of Reports (11.8%)
Auburn High - Auburn City	1,424	15	168
Baldwin County High - Baldwin County	1,186	43	140
Central High - Tuscaloosa City	765	65	90
Clay-Chalkville High - Jefferson County	1,311	12	155
Cullman High - Cullman City	915	13	108
Headland High - Henry County	493	8	58
Lanier Senior High - Montgomery County	1,109	33	131
Northview High - Dothan City	1,314	60	155
Parker High - Birmingham City	872	32	103
Spain Park High - Hoover City	1,511	4	178

[Source: Public Data Reports, Enrollment by Ethnicity and Gender, School Level, ALSDE web site, <a href="http://www.alsde.edu/PublicDataReports/Default.aspx">http://www.alsde.edu/PublicDataReports/Default.aspx</a>; Student Harassment Prevention Act Data 2010-2011, ALSDE web site, <a href="https://docs.alsde.edu/documents/70/Harassment%20Prevention%20Act%20Data%202011.pdf">https://docs.alsde.edu/documents/70/Harassment%20Prevention%20Act%20Data%202011.pdf</a>]

Once again, the numbers of expected versus actual incidents indicate that either the YRBSS data is unreliable or the incidents are going unreported. Accurate reporting is crucial, as "underreporting inevitably hampers educators' ability to determine the scope or frequency of bullying behavior in their schools or districts, the first step in addressing the problem" (Petrosino, Guckenberg, DeVoe, & Hanson, 2010, p. 1).

While the numbers reported in elementary schools are also extraordinarily low, no agreed-upon or nationally-recognized percentage exists in this age group with which to create a comparison of actual versus expected numbers of reports.

In 2011, Florida's reported numbers were deemed to indicate wide underreporting three years after the passage of their anti-bullying law (Catalanello). There may be multiple reasons why the reported numbers are so low. Further exploration is needed to determine why reported numbers are so different from those expected based on national and state averages.

#### CONCERN ABOUT THE REPORTING FORM

Another area of concern is the variety of forms created by school districts to be used by victims to report harassment. Appendix B contains copies of forms obtained either through the district web site review or through direct requests for the form. While a number of districts did adopt the model form, wide variation exists.

For example, <u>one board of education adopted a 7-page form</u> for children to complete to report being victimized. Concern exists that the form itself may be a deterrent to reporting. While parents and guardians are allowed to complete the form on behalf of the victim, even adults may be intimidated by the length of multi-page forms such as this one.

Of the 66 forms the ASC obtained, most school districts were found to use a one-page form. While the ALSDE initially did not provide a model reporting form, in December 2011, they <u>posted a form on their web site</u> for districts to consider adopting. Boards with long, difficult, or intimidating forms should consider whether the form is a deterrent or an aid to victims in reporting incidents of harassment.

#### CONCERN ABOUT PLACEMENT OF INFORMATION ON DISTRICT WEB SITES

During the course of the review, the ASC found that in many cases, the policy and/or the form, even when found on the web site, were buried fairly deep within the web site, sometimes five to six "clicks" deep, meaning a person seeking the form would have to click through five, even six different pages before they found the policy and/or the form. In some cases, the form was hidden behind language with which most families are unfamiliar. For example, if you knew you were looking for a policy, you could start at the "Board of Education", click, "Policy Manual", click, "Section J- Students",

click, "Policy 5.28", click, "Student Harassment Prevention Policy", click, "Appendix B - Harassment Reporting Form", click. Students or families unfamiliar with the structure of a board policy manual would have great difficulty navigating that chain of clicks.

## EXEMPLARY SCHOOL DISTRICTS - A WORD OF RECOGNITION

Special recognition belongs to seven school districts in Alabama who have a bullying or harassment notification prominently displayed on the home page of their district's web sites.

Albertville City, Attalla City, Henry County, Lamar County, Lawrence County, Opp City and St. Clair County school districts each have notices on the home page of their district site either about their policy or the way to report incidents of harassment in their schools. Due to the fluidity of movement of information on a web site, having a fixed place to find the policy and reporting mechanism is

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Opp City
St.Clair County

helpful for families and aids victims in their effort to report the incident. Additionally, <u>Albertville City</u> made their form available to submit online.

Some school districts have begun to use anonymous tip lines to allow students to report bullying and harassment. <u>Birmingham City Schools, Mobile County and Brewton City are the latest</u> to enhance efforts to prevent bullying and harassment.

While certainly many individual schools have put in extra effort to make these reporting forms easy to access, during the course of this review, an exemplary effort by Buckhorn Middle School in Madison County Schools was discovered. Buckhorn Middle has created an easy way for students to report incidences of harassment: P.R.E.S.S. to Stop Bullying, a big red button on their school web site. The program was created by Assistant Principal Dr. Jackie Hester. When a student clicks on the button, it opens an online form to allow a student to easily report an incident. Note that giving your name is *optional*. Hester said that since the program was implemented, there has been less fighting and defiance of authority (Welch, 2012).

#### **FUTURE LEGISLATION**

Since the passage of the Student Harassment Prevention Act in 2009, multiple bills have been introduced in an attempt to strengthen accountability and enhance reporting techniques. The 2012 legislative session saw three of these bills die without action. Each of the bills introduced in the 2011 and 2012 legislative sessions was named in remembrance of Alex Moore, a 15-year-old Chilton County school student who jumped to her death from a bridge over Interstate 65 in 2010 due, according to her parents and a lawsuit filed on her behalf, to harassment at her school.

Alabama is one of 49 states with anti-harassment legislation, yet Alabama is one of only two states that *does not* include "bullying" within the scope of the law (Stuart-Cassell, Bell, & Springer, 2011).

Legislators and advocates looking to strengthen Alabama's law should consult the United States Department of Education's (U.S. DOE) December 2011 Analysis of State Bullying Laws and Policies for information on where deficits exist in our current laws and policies. The U.S. DOE devised many measures to determine the strength and scope of each state's law and should serve as a valuable resource for Alabama's legislators wishing to strengthen provisions of the law.

RECOMMENDATIONS

The ASC recognizes that simply looking at forms and numbers does not make the law *effective*. The proper implementation of the letter of the law (mandated policy and forms) as well as embracing the

spirit of the law are paramount in creating an environment free of harassment in the hallways and classrooms in Alabama's schools. This review focused on the letter of the law as a first step in proper implementation.

**Placement of Information on District and School Web Sites.** The lack of availability of the form on district web sites is troubling, especially when taking into consideration that the model policy *requires* the posting of the reporting form on the district web site. Section 6 of the Model Policy

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states that the "policy and any procedures, rules, and forms developed and approved to implement the policy will be published, disseminated, and made available to students, parents and legal guardians, and employees by such means and methods as are customarily used for such purposes, including publication on the [local board]'s Web site." Of the policies the ASC obtained, sixty-five of the 88 school districts where policies could be located adopted the model policy. Only 34 school districts had the form posted during the original review, meaning that 31 districts were in direct violation of their own policy. This can be easily remedied by school districts posting the policy, form, and procedures enacted to protect their students from harassment on their district web sites as the policy states.

Ease of finding those policies and forms posted raised another concern. Many policies and forms were posted five or six clicks deep, using language unfamiliar to most non-educators. Districts can make these items more easily found by students and their parents and guardians by placing the policy and form in a "one-click" position, meaning that it takes only one click to access these items. This can easily be accomplished by placing a link on the district's home page, as did the exemplary school districts mentioned earlier. Although the ASC did not review individual school web sites, we recommend the policy and reporting form be made available via individual school web sites as well, again, at a one-click depth.

**Reporting Form Revisions.** Construction of the form should be reviewed in districts where the form is overly-complicated or too long. Victims of harassment should not be further stalled or traumatized due to difficulties with reporting forms.

Schools and districts should consider making the form available to be completed online, as Buckhorn Middle School in Madison County and Albertville City have done. Care should be taken to ensure the form and process of online submission meet the "written" mandate in the law. This can be done by printing a copy of the form after it is submitted online.

# To Better Protect Students from Harassment in Our Schools

### **SCHOOL DISTRICTS CAN:**

- 1) Post the policy and the form on the school district and local school web sites.
- 2) Post the policy and the form no more than "one click" deep.
- 3) Review the format and length of the form your district has approved. Use the ALSDE's Model Harassment Complaint Form as a guide.
- 4) Consider using Google Docs, an online contact form, or other method to post the form online.
- 5) Publicize the policy and the form through multiple methods, on the web site, verbally and in print to ensure that every student is aware of and has access to the reporting form.
- 6) Pay attention to the results that anonymous tip lines are getting. While new here in Alabama, talk with the districts that are utilizing the tip lines to determine their effectiveness.
- 7) Ensure all school personnel are clear about what constitutes harassment and the reporting requirements.

**Disseminating Notice of the Policy and Form to Families and Faculty.** Schools and districts should publicize the availability of the reporting form in numerous ways, not solely through the Student Handbook or Student Code of Conduct. Families are asked to read the Handbook or the Code at the beginning of the year, but at that point, families may not even recognize what the form is or how it is to be used. Mentioning the form to parents and families in newsletters, at open houses, during parent-teacher conferences, and at PTA/PTO meetings will help families become aware of

the form's existence and familiar with the procedures school districts have put in place. Guidance counselors and teachers should publicize the form to students in the upper grades. Teachers and aides of children in the younger grades should offer the form to parents and families to use when harassment is identified.

Alternative Reporting Techniques. A quick online search will show the anonymous tip format is growing in popularity across the country as a viable tool to combat bullying and harassment. The ALSDE's Stop Bullying in Alabama web site offers a free anonymous tip reporting service for districts to use simply by registering. As Birmingham City Schools' spokesperson Michaelle Chapman, speaking about their newly-purchased anonymous tip service said, "The [anonymous tip] program meets students where they are. The vast majority have cellphones and communicate with each other through text messaging and instant messaging. With this, they can make a report from the phone or computer and not have to meet with someone face-to-face or fill out a [paper] form. Some stats we've seen shows it reduces bullying by almost 70 percent because students are reporting it more" (Leech, 2012).

Districts utilizing anonymous tips to report harassment must remember that the law specifically states that "an anonymous report may not be the basis for imposing formal disciplinary action against a student". School districts will need to develop procedures for acting on an anonymous tip and determine what paperwork needs to be completed to ensure compliance with the law.

**Ensuring Accurate Statistical Reporting.** Faculty and administrators within our schools should be clear about which incidents meet the definition of those that are required to be reported. Accurate reporting is the first step in getting a clear picture of the existence of bullying and harassment in Alabama's schools.

It should be noted that the accreditation process that schools and school districts in Alabama seek through AdvancEd contains an Indicator (4.7 for districts and 4.6 for schools) that states: "The

system provides, coordinates, and evaluates the effectiveness of support systems/*The school provide services*: to meet the physical, social, and emotional needs of the student population being served." Bullying and harassment prevention programs certainly meet this definition. Schools and districts are encouraged to produce evidence of these programs and services when seeking accreditation.

**Regarding Future Legislation.** The ASC recommends that Alabama legislators consider clarifying the current law to include the term "bullying" due in part to the interchangability of the terms "bullying" and "harassment", but also to engender recognition of behaviors more familiarly established as "bullying".

Lastly, the law should contain some accountability provisions for school faculty who fail to report bullying, and administrators who fail to properly handle reports of bullying and harassment. School districts should be held accountable for their failure to implement the law properly as well. Those accountability provisions should not include withholding state funds from a school or district, however, as the individual

# To Strengthen Alabama's Law LEGISLATORS SHOULD:

- 1) Consider adding "bullying" to the legislation to enhance protections afforded under the Act.
- 2) Consider adding individual accountability provisions to ensure school personnel compliance.
- 3) Review the U.S. Department of Education's recommendations for strong state anti-bullying laws.

responsible for the failure ultimately has no stake in following proper procedures when the punishment is spread throughout the school or district. Devising appropriate individual accountability provisions is difficult but necessary when the consequences of school bullying and harassment are so harmful to our children.

#### CONCLUSION

While Alabama's legislators passed the Student Harassment Prevention Act in 2009, school district compliance in 2012 is unclear, with only two-thirds of Alabama's school districts' policies being able to be located and only half of Alabama's school districts either posting the reporting form online or providing the form upon the ASC's request for review. Determining whether the remaining districts are in compliance will remain the responsibility of the ALSDE through regular monitoring of school districts. At this point, whether the Act does what it said it would do remains to be seen and measured.

The law's mandated reporting of statistics reveals relatively few incidents of harassment in Alabama's schools, which does not match national averages and expectations. Whether this is due to Alabama's lack of recognition of "bullying" as a part of its law, a lack of understanding of the law and its required reporting procedures, or a lack of reporting by victims needs further research. Second year data for school year 2011-2012 will be revealed soon, and reported numbers should be examined to determine if they are better in line with national and state expectations.

While the law stopped short of monitoring the specified methods through which school districts are to make members of their school community aware of the existence of the form and policy, ensuring students and their families are aware of both the policy and have access to the reporting form should be high priority in school districts in Alabama given the detrimental effects of bullying and harassment.

The recommendations contained in this report will further better access for students and families needing protection from harassment under Alabama's current law. With little effort, school districts can ensure our school community is both aware of and has access to these protections, including how to report incidents of harassment that take place in our schools, on the school bus, or at school-sponsored functions.

Students who feel safe at school learn better. Alabama's legislators and educators have shown their willingness to enact policies and procedures to protect the learning environment from harassment of Alabama's children. With additional effort, Alabama's schools can ensure that State Superintendent Dr. Tommy Bice's intention that "ALL of Alabama's students participate in a supportive learning environment free from harassment" is ultimately realized.

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