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Pepperdine University
Graduate School of Education and Psychology

UNDERSTANDING BULLYING IN AMERICAN SCHOOLS:
CONTINUING CHALLENGES FOR PUBLIC POLICY

A dissertation submitted in partial satisfaction
of the requirements for the degree of
Doctor of Education in Organizational Leadership

by

Carol P. McLain

March, 2018

Kay Davis, Ed.D. – Dissertation Chairperson

This dissertation, written by

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under the guidance of a Faculty Committee and approved by its members, has been submitted to and accepted by the Graduate Faculty in partial fulfillment of the requirements for the degree of

DOCTOR OF EDUCATION

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DEDICATION

To Willie and Mary McLain, who taught me the value of hard work and sacrifice, and to take advantage of the education they could not. This work is also dedicated to Gregory Crutchfield, who taught me to not put off giving for another time, or living for another day.

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VITA

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ABSTRACT

Bullying is a pernicious problem among youth today with many contextual factors that must be considered when attempting to understand and implement interventions to address it. Despite the attitudes about bullying being a normal part of growing up, numerous studies have found that harmful effects are associated with bullying and victimization, many of which persist into adulthood. The extent of this problem appears to be associated with the absence of effective ways for children, parents, schools, researchers, policymakers, and governments to manage it. This study provides a comprehensive qualitative analysis on a representative sample of U.S. state laws and regulations to determine parallels and differences among them with particular attention to the inclusion or exclusion of cyberbullying.

This study uses a social-ecological systems framework to consider bullying laws & regulations. This framework includes the microsystem (individuals), the mesosystem (parents), the exosystem (schools or school districts), and the macrosystem (governments and cultural milieu). With anti-bullying laws situated in the macrosystem, this study focused primarily on its influences; however, reciprocal influences among systems are also reflected. To gain insights from heterogeneous cultural environments, a purposive sampling process included one state from each of the 10 Federal regions of the country and also considered dates of initial bullying prevention law enactment, which provided a span of 16 years (1999 – 2015). The text of the laws and regulations was gathered from official State websites, as well as from the *LexisNexis* database. An iterative content analysis process was used to determine findings and study conclusions.

Key findings and conclusions include that all states in the study currently address cyberbullying in their bullying prevention laws and regulations to some degree. Definitions of bullying varied between states, and some policymakers used research-based definitional elements. There was also considerable variation between states' anti-bullying laws on eight components: staff training, communicating policy, complaint reporting and responding to bullying, corrective measures, disciplinary actions, reporting bullying, retaliation and false reporting, and funding for supporting bullying prevention. Recommendations include performing additional studies on bullying using the social-ecological framework, considering cyberbullying and teachers' preconceptions of bullying, and to determine effectiveness of existing laws.

Keywords: bullying, bully, victim, bully-victim, cyberbullying, anti-bullying policy, anti-bullying laws, U.S. state anti-bullying laws

Chapter One: Introduction

Currently, there is much discussion about education and what is required for students to succeed in school. Each incoming United States (U.S.) presidential administration implements an education policy reflecting the needs of the time, or the will of the strongest educational lobby, or the political expediency of the most powerful political party. These policy initiatives are borne out of a federal-state relationship that has also been changing with the times (McDonnell, 2008). U.S. presidents inevitably choose an education platform and appoint a Secretary of Education to guide policymaking in the field (Limber & Small, 2003). At the forefront of recent educational policy discussions are topics such as curriculum standards, academic achievement, and early education funding, with school safety situated distantly within the broader agenda (Klein, 2013; Lewin, 2012; Limber & Small, 2003). Although reports of violence in schools have become more widespread across the U.S., and the severity of bullying violence is increasing, there is a federal policy deficit on the issue (Furlong, Morrison, & Greif, 2003).

The Federal Partners in Bullying Prevention developed and currently maintains the stopbullying.gov website to connect with students, parents, and educators as part of a broad Stop Bullying campaign. This coalition includes representatives from the U.S. Departments of Agriculture, Defense, Education, Health and Human Services, the Interior, and Justice, as well as the Federal Trade Commission and the White House Initiative on Asian Americans and Pacific Islanders (U.S. Department of Health and Human Services, 2017). The partnership's effort to address school safety and bullying represents heightened awareness of the scope and severity of the problem by helping to educate and make strong recommendations, yet it only recommends policy at the school level, and devotes most attention to students in middle and high school grade

levels, leaving elementary students with less support, although they experience bullying and the negative effects associated with it (U.S. Department of Health and Human Services, 2017; GLSEN & Harris Interactive, 2012).

All 50 states in the U.S., as well as the District of Columbia, American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands have legally mandated reporting of suspected child maltreatment or abuse to an appropriate agency (Child Welfare Information Gateway, 2016, p. 1). It is inconceivable, therefore, that U.S. policy makers would attempt to block legislation that ensures children's safety in schools. However, several bills introduced at the national level to generally improve school safety, and specifically reduce the negative effects of bullying, were defeated in Congress despite the lobbying efforts of the National Education Association (2014).

In 1902, John Dewey referred to schools as social centers, so the concept of schools and school systems supporting the social, physical, and economic needs of children and families is not new (Dewey, 1902; Garrett, 2012, p. 26). Parents and children reasonably expect schools to be a safe place where kids can learn, socialize, and grow. Yet, schools are often the center for incessant teasing, as well as mild to severe emotional and physical abuse. Furthermore, bullies tend to be adept at concealing their aggressive behavior from school officials and their parents, which intensifies the seriousness of the issue (Bosworth, Espelage, & Simon, 1999).

Although bullying is a problem that has persisted for generations, today's youth are experiencing bullying in extraordinary and increasingly invasive ways due to the proliferation of social media and associated potential for spreading disparaging images or threatening messages worldwide with great speed and frequency (Law, Shapka, Hymel, Olson, & Waterhouse, 2012; J. Wang, Iannotti, & Nansel, 2009). Furthermore, social media sites have evolved to simplify—

even encourage—posting anyone’s photographs or video clips, as well as providing simplified tools to hasten their digital manipulation (Juvonen & Gross, 2008; J. Wang, Nansel, & Iannotti, 2011). Some of these sites allow users to send messages anonymously on burn pages (“After School,” n.d.; “BurnBook,” n.d.). Social media can be positive tools, but children cannot be expected to use them constructively due to the associated autonomy and immaturity. Often, the result is bullies with enhanced capabilities to exploit their targets using images that may or may not be authentic. Consequently, despite school districts’ anti-bullying policies and prevention programs, cyberbullying has become a pervasive bullying method associated with higher levels of depression than traditional bullying (J. Wang et al., 2011).

Success in school for American children is measured primarily by academic standards, yet bullying is a major factor hindering children’s success in school (Molcho et al., 2009). When they are not direct victims, some children may witness bullying, but not speak up or intervene at all, and then become distracted by emotions of anxiety, fear, and anger (Boutelle, 2009, p. 31). Additionally, by the time a child reaches middle school adolescence, he or she cares more about belonging and fitting in socially with peers than just about anything else (Dweck & Molden, 2005, p. 437). Peer influences may be more important to a student than a parent’s or a teacher’s by this time (Brown, 1999; Dweck & Molden, 2005). Thus, during adolescence, parents and schools may see high achieving students’ grades begin to fall, as children become more aware that certain groups are broadly stereotyped in society, which can lead to exclusion—another form of bullying. However, just being different from peers in any way can result in bullying and exclusion (Dweck & Molden, 2005; Sweeting & West, 2001). Often, students who are dissimilar due to gender nonconformity, physical appearance and ability, or psychological traits outside of recognized or established norms are relentlessly judged, isolated, and teased by other students

(GLSEN & Harris Interactive, 2012). Additionally, when one or more students are envious of other students, performance in school may be negatively affected, as when “feelings of inferiority brought about by unfavorable social comparisons contribute to negative self-evaluations” (Weiner, 2005, p. 80). The issues here are not only material advantages, such as designer clothing or shoes, but also physical and intellectual attributes, such as long hair and aptitudes—whether for conversation, in an academic subject, or for an athletic sport. These seemingly positive characteristics can lead to persistent peer group labels with negative connotations, which are all detriments to achievement when used by bullies as taunts against their victims (Weiner, 2005).

Berkowitz (1969) posits that “a frustrating event increases the probability that the thwarted organism will act aggressively soon afterward, and that this relationship exists in many different animal species, including man” (p. 2). In fact, studies providing empirical evidence of this exist with children (Berkowitz, 1969). Moreover, results from a number of studies suggest that bullies who do not experience an intervention or appropriate support from parents or authorities are more likely to engage in other antisocial or even criminal behavior in the future (Boutelle, 2009; Nansel, Overpeck, Haynie, Ruan, & Scheidt, 2003). Furthermore, school bullies, victims, and bully-victims cannot be expected to help themselves.

Ancient writings by Aristotle (1997) suggest a need for laws, which he asserts are meant to lead a city’s people toward virtue, just as the laws of one’s individual household should “promote the virtue of his children and friends” (p. 52). Yet, when speaking of why people comply with laws, Aristotle posits, “the many obey the rule of necessity rather than of reason, of punishment rather than of nobility” (p. 50). Consistently, the U.S. is referred to as a nation of laws, while Howard (2011) suggests that proliferation of legislation in the U.S. is creating a

nation dependent on laws for everything without regard for use of common sense. Defending the decision to become the first city in the U.S. to criminalize bullying, Bob Miller, mayor of Monona, WI, stated that, “ordinances reflect the values of a community” (Erickson, 2013, para. 21). This comment signifies a common-sense approach to respecting citizens and their values, and community leaders at every level have a duty to ensure their constituents’ values are upheld.

Due to the lack of a compelling national policy centered on bullying prevention and focused on promoting social justice for school children, U.S. states have passed laws related to bullying (U.S. Department of Health and Human Services, 2017; Limber & Small, 2003). In them, specific groups of individuals are referenced, some of which are already included in protected classes of civil rights legislation. However, all children have the right to attend schools free from harassment and fear of other students committing acts of violence against them (Limber & Small, 2003; Phillips, 2007).

Local school districts’ policies typically allow for considerable autonomy in providing instruction and interventions related to bullying, and school officials and teachers have great latitude in applying disciplinary procedures and choosing disciplinary actions following a bullying incident (Bickmore, 2011). However, bullying in all forms is a problem that school districts across the U.S. seem powerless to prevent and state laws have inadequately addressed. A comprehensive analysis of existing state laws will identify the extent to which legislators use common language for defining bullying and clarify the extent to which cyberbullying is addressed in these laws.

Problem Statement

Research on bullying has consistently shown that nearly 30 percent of students in U.S. middle and high schools feel unsafe while attending school due to peer victimization and this

type of harassment has a potentially negative impact on these students' ability to perform well academically (Hoover, Oliver, & Thomson, 1993; Robers, Zhang, Truman, & Snyder, 2010; Schwartz, Gorman, Nakamoto, & Toblin, 2005). One specific reason for poor academic performance is increased absenteeism due to fear or avoidance of harassment. In fact, Hoover et al. (1993) found that 10 percent of high school dropouts reported fear of being harassed or attacked as the primary reason for not returning to school.

Furthermore, there are many cases of bullying incidents that have turned into matters of life-threatening violence. For example, in February 2012, a fifth-grade girl died from blunt-force trauma suffered during an after-school fight, and a 15-year-old girl was seriously injured and hospitalized after five students attacked her in a separate off-campus brawl (Puente, 2012). According to Puente's (2012) report, in the latter of these bullying incidents, three of the five attackers of one girl were charged with attempted murder. School violence persists, and while these are extreme cases, it is possible for any of the daily occurrences of bullying to end terribly.

Moreover, Bauman, Toomey, and Walker (2013) report that suicide is the third leading cause of death among school-aged children in the U.S. Tragically, bullying incidences increase the risk of suicide in young people (Bauman et al., 2013). In a recent case, a Northern California pre-teen had been the victim of several bullying incidents that his parents reported to their school district and the school district purportedly handled. However, after years of the same problems, the child's parents ultimately chose home schooling for him as a 12-year-old middle school student. Unable to escape from bullying due to social media, he was found by his parents—dead of an apparent suicide (Smith & Kalb, 2014). This case is representative of an increasingly widespread phenomenon.

Nansel et al. (2003) congruently suggest a strong relationship between bullying and violent behavior among youth. As noted in their study, students who reported being bullied were more likely to carry a weapon in school and engage in future violent behavior. Additionally, research by Anderson et al. (2001) shows that although the number of school homicides was low between the years of 1994 and 1999, school homicide perpetrators during that period were more than twice as likely as homicide victims to have been bullied by peers (p. 2701). Furthermore, a recent study concluded that being bullied carried long-term negative effects including depression and anxiety, and placed victims at high risk for substance abuse and suicidality (Copeland, Wolke, Angold, & Costello, 2013). Bullying has become more than a playground power pursuit that limits academic ability; it is currently a serious public health problem (Bannink, Broeren, van de Looij–Jansen, de Waart, & Raat, 2014; Feder, 2007; Fitzpatrick, Dulin, & Piko, 2007; Hertz, Donato, & Wright, 2013). As such, to some degree, government and community leaders have yielded to societal pressure by affected citizenry to outline, establish, and implement policies to prevent bullying behavior. Yet, there is a need to continually take purposeful action on bullying prevention by those in society who have the power to influence meaningful changes.

Research Purpose

Bullying and cyberbullying have become embedded in mainstream culture despite the efforts of state legislators that have passed laws to prevent this harmful activity and the interventions put forward by school districts. The purpose of this study was to explore existing anti-bullying laws throughout the U.S. and identify the extent to which they address protecting children from bullying. More specifically, the researcher believes this study adds to the bullying prevention literature with the resulting analysis of state laws that determined and clarified similarities and differences among them with particular attention to the inclusion or exclusion of

cyberbullying in the legislation. The study results may also inform policy makers on topics that warrant their further attention.

A qualitative approach was used through which the researcher was the instrument for data collection and examination to explore the language of laws in gaining contextual understanding (Bryman, 2008, p. 392; Creswell, 2009, p. 175). A social-ecological perspective was used allowing the researcher to frame anti-bullying legislation within cultural contexts.

Research objectives. The following objectives guided this study and satisfied the research purpose:

1. To determine the similarities and differences between the anti-bullying laws of selected U.S. states enacted over a period of 16 years.
2. To determine the extent to which the selected U.S. state statutes address cyberbullying.

Key assumptions and delimitations. The primary assumptions were that U.S. state anti-bullying policies were readily available and that they included guidelines prohibiting children from harming other children at school. The researcher believed that the U.S. state laws reviewed for this study would not address bullying of the average child, but instead centered on preventing protected populations from further harm. From a policymaking position, such a limited focus would make a law easier to pass and remain distant from the complicated issues of free speech and parental responsibility for children's behavior.

The researcher has been an advocate for abused and neglected children for many years. The stated assumptions have been shaped by the researcher's experiences as a grandparent witnessing one granddaughter become a bullying victim, and another become a bully. Indeed, these experiences have influenced the researcher's assumptions about bullying as a social issue.

Furthermore, it was not feasible to attempt a content analysis of all 50 states' laws on bullying prevention; therefore, this research was delimited to 10 states purposely selected from various regions throughout the U.S. that represent a cross-section of the U.S. population.

A final limitation was that the researcher did not have a background in law. As such, the reading and interpretation of legal documents required supplemental research on the meaning of legal terms and increased attention to dissection and analysis of legal argumentation.

Conceptual/Theoretical Focus

Brown (1999) asserts that adolescents' social environment is multilevel and multicontextual, containing various structures and relationships that can be hierarchically arranged into numerous levels of closeness (p. 60). Similarly, Majchrzak (1984) emphasizes that resolving complex, multidimensional, social problems is at the foundation of public policy (p. 18). These contentions contribute toward establishing a level of complexity to the study of bullying. It is a multifaceted social issue that has become more problematic over time. To account for the inherent complexity in the social and political environment, this study will be guided by the social-ecological theory put forward by Bronfenbrenner (1979) and modified by Swearer and Doll (2001).

The social-ecological perspective advances that a child's behavior is shaped by interrelated actions among various contexts within his or her environment. This systems framework allows researchers to focus on individuals and their behavior through a variety of contexts beyond those narrowly related to the subject (Bronfenbrenner, 1979; Espelage, Rao, & Craven, 2004; Swearer & Doll, 2001). Figure 1 illustrates the social-ecological systems perspective depicting the individual at the center with emanating regions representing additional contexts through which individuals' behaviors are influenced (Swearer & Espelage, 2004). The

conceptual model represents the multifaceted and interconnected exchanges that occur to produce those behaviors. Swearer and Espelage (2004) emphasize that for children, “bullying does not occur in isolation” (p. 3). Instead, it takes place in four interrelated systems that comprise their social network: microsystem, mesosystem, exosystem, and macrosystem (Bronfenbrenner, 1979).

Bronfenbrenner (1979) defines the microsystem as “a pattern of activities, roles, and interpersonal relations experienced... in a given setting with particular physical and material characteristics” (p. 22). The child is at the center of the microsystem, which includes direct interaction with others, as well as others’ reactions to bullying (Espelage & Swearer, 2004; Swearer & Espelage, 2004). In this context, not only are victims affected by bullies, bullies are affected by the behavior of victims, and the behaviors of both bullies and victims have an impact on bystanders.

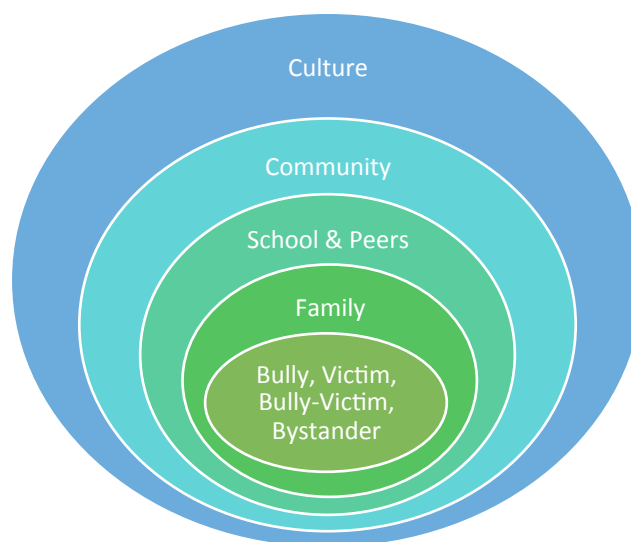


Figure 1. A social-ecological systems framework of bullying among youth. Adapted from “Introduction,” by D. L. Espelage and S. M. Swearer, in D. L. Espelage and S. M. Swearer (Eds.), *Bullying in American Schools: A Social-Ecological Perspective on Prevention and Intervention*, (p. 4), 2004, New York: Routledge. Copyright 2004 by Taylor and Francis Group LLC. Adapted by permission of Taylor and Francis Group LLC, a division of Informa plc.

Interactions in the microsystem are further influenced by the mesosystem, which includes the interrelationship between two or more systems in the child's life, such as home and school, or school and an online peer group (Espelage & Swearer, 2004). A child's mesosystem is developed or expanded by moving into a new setting and the interconnections, therefore, can take on additional forms, such as communications between settings and attitudes that exist in one setting about another (Bronfenbrenner, 1979, p. 25).

The exosystem denotes influences from contexts beyond the child's direct involvement, but that nonetheless have reciprocal effect (Espelage & Swearer, 2004). One example is a school district's anti-bullying policy, which can have a significant impact on a child's experience in school if it is enforced, or communicated to the child, but not enforced. Lastly, the macrosystem involves more distal influences, such as societal values and attitudes toward bullying behaviors, and also cultural mores (2004, p. 4). The more distant proximity does not indicate there is less influence on a child, but the effects may not be as direct or obvious.

Bullying behavior may be better understood when studied from the perspective of these ecological systems. However, the primary focus of this study will be to identify and examine laws related to bullying. The laws of a child's city, state, and nation are situated within the macrosystem. Therefore, this research focused on examining bullying in a community and cultural context, and exploring what legislative policies in the U.S. are being used to prevent bullying behavior.

Key definitions. The following terms are defined to ensure clarity of their intended meaning within the context of this study.

Bully. An early dictionary defines a bully as, "...one habitually cruel to others weaker than himself" ("Bully," 1984, p. 187). Olweus (1993) extended this definition contextually to

include groups that inflict injury or discomfort upon another or other individuals. Nevertheless, the real or perceived imbalance of power is crucial to identifying the individual or group that initiates bullying.

Bully-victim. This term identifies victims of bullying who later become perpetrators of aggressive behavior toward others as a result of having been bullied (Haynie et al., 2001).

Bullying. Bullying is generally defined as unprovoked negative actions intentionally inflicted by one or more students on another student or group of students repeatedly and over time, where the offenders have, or seek to have, more power over the victims (Guerin & Hennessy, 2002; Olweus, 1993).

Cyberbullying. Typically, cyberbullying involves sharing computer-generated messages, photos, or videos on the Internet through some form of social media that are intended to do harm to specifically targeted individuals (U.S. Department of Health and Human Services, 2018; Mixon, 2011).

Bullycide. Although the literal definition of this term is equivalent to killing a bully, its more prevalent use is associated with an individual having committed suicide due to the pressures of bullying and inability to cope with them (Kalman, 2012; Marr, 2011).

Social networking. The use of social media to communicate with peers constitutes social networking.

Social media. There are several means of sharing news, thoughts, ideas, photos, videos, and other documents electronically via Internet websites and mobile device applications, or “apps.” These tools and electronic platforms for peer-to-peer communication comprise social media.

Burn page. A social media platform often used by school-aged children, that allows anonymous posting and is used to generally post negative comments and opinions about others.

Viral. In the context of this study, a video, photo, or message that spreads through social networking quickly and has been shared or viewed extensively on the Internet is generally considered to be viral.

Public policy. Legislation enacted, regulations mandated, or guidelines written to influence desired behaviors or prevent unwanted actions are generally referred to as public policy.

Anti-bullying policy. A public policy specifically designed to prevent or reduce the incidence and severity of bullying cases, or to influence a positive culture, and set the limits of aggressive behavior.

Objective standard. “A legal standard based on factual measurements in the absence of a biased judgement or analysis” (*The Law Dictionary*, n.d., para. 1).

Significance

Research confirms that bullying is a complex issue affecting children’s physical safety and psychological wellbeing, as well as academic performance (Bannink et al., 2014; Holt et al., 2014; Juvonen, Yueyan, & Espinoza, 2011; Kowalski & Limber, 2013; Lacey & Cornell, 2013; Risser, 2013; Young-Jones, Fursa, Byrket, & Sly, 2015). Furthermore, it can cause victims to respond by engaging in bullying behavior, and is a precursor to future violence (Maynen, 2013; Nansel et al., 2003; Wolke, Copeland, Angold, & Costello, 2013; Wong, 2009). Moreover, research supports the claim that bullying has a number of harmful effects on children beyond any physical damage suffered, including low self-esteem, poor social skills, and diminished academic achievement (Fox, Elliott, Kerlikowske, Newman, & Christeson, 2003; Malecki et al., 2015;

Marr, 2011; Maynen, 2013; Nansel et al., 2001; Schwartz et al., 2005). However, the problems do not always end when children leave school, but often continue into adulthood. Bullied victims are at higher risk for poor health, wealth, and social relationships later in their lives (Lereya, Copeland, Costello, & Wolke, 2015; Wolke et al., 2013; Young-Jones et al., 2015).

Furthermore, Jones, Mitchell, and Finkelhor (2013) reported an 83 percent increase in incidents of cyberbullying over the last decade among surveyed youth from ages 10 to 17, with a marked increase in female offenders and victims. This is not surprising due to the corresponding increase in availability and use of mobile devices, social media, and social networking over the same time period, and the failure of U.S. policymakers to prepare and respond with effective bullying prevention policies.

The U.S. Department of Education's website (2011) states its mission is "to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access" (para. 1). Yet, a Pew Research Center report (DeSilver, 2017) suggests that U.S. students' performance overall trails behind those of several other nations in cross-national tests of academic ability. The goal of preparing young people for sustaining our economic security is of the highest order for the nation, and U.S. leaders must not fail our youth and their opportunities for achievement. However, changing curriculum without addressing issues of safety will not be sufficient to improve the quality of education for the many victims of bullying.

The issues bullied children are confronting require government leaders—who make policy—to explore and generate effective ways to deal with this problem. Referring to a recent study contrasting the mental health effects of child abuse and peer bullying on victims, Wolke (2015) states, "Until now, governments have focused their efforts and resources on family

maltreatment rather than bullying... more needs to be done to address this imbalance” (para. 6). However, the Federal Partners in Bullying Prevention report that no federal law exists in the U.S. to specifically deal with bullying (U.S. Department of Health and Human Services, 2014). This need may be emphasized by identifying the common elements of state policies, which may then inform policymakers and, ideally, persuade them to consider and implement policy changes that reduce children’s safety risks and improve their chances for success in school and into adulthood.

Chapter Summary

Bullying and cyberbullying have become complex issues of significant public concern. Bullied students often experience psychological harm through isolation, aggressive harassment, and physical violence that sometimes results in death or a variety of problems that persist into adulthood. The consequences of this unchecked phenomenon also include inattention to learning and disruption to the learning process. Poor academic achievement of U.S. students is an issue of immediate national concern and school districts are unable to solve all of the foundational issues that cause it. They are also unable to regulate all students’ behavior in school and beyond the school grounds.

Bullied children deserve intervention by government leaders through policies that protect and provide social justice for them. Leaders at the national level in the U.S. are distanced from problems occurring in local communities, which has prompted state leaders to intervene with more targeted policies through legislation. A thorough analysis of these policies was proposed to determine their suitability for addressing the types and severity of bullying children currently suffer.

Chapter Two: Conceptual Foundation

Bullying can be studied from many different approaches due to the numerous issues surrounding the topic and actors involved. While it can be examined from the perspective of the victim, the bully, or that of a bystander, bullying is also a problem of the larger community, for which there is less research available (Harcourt, Jasperse, & Green, 2014). As a community concern, it is important to consider bullying in this context, including how our leaders respond to it. This study was primarily concerned with how selected U.S. states have responded to bullying with legislation. When bullying is examined in the context of our societal system, details about this system, the various strata, and interactions among them must also be explored.

Consequently, this chapter provides background information on bullying, as well as details on the construct from a social-ecological perspective. Within this examination, relevant data regarding government efforts to enact bullying prevention legislation will also be included.

Background Research on Bullying

Bullying has likely existed for as long as schools have; yet Olweus (1978) is widely credited with pioneering the empirical study of bullying as a social problem. Since then, bullying concepts, variations, and definitions have been studied extensively in the education, psychology, sociology, medical, law enforcement, and legal research communities using quantitative, qualitative, and mixed-methods (Cornell & Limber, 2015; Cranham & Carroll, 2003; Greene, 2006; Low & Espelage, 2013; Nansel et al., 2001; Schwartz & Dodge, 1997; P. K. Smith, 2000; Strabstein, Berkman, & Pyntikova, 2008). The effects of bullying have also been explored in numerous studies including investigations of psychological maladjustment (Copeland et al., 2013; Crick & Grotpeter, 1995; Guhn, Schonert-Reichl, Gadermann, Hymel, & Hertzman, 2013; Haynie et al., 2001; Holt & Espelage, 2012; Holt et al., 2014; Nansel et al.,

2001), moderated academic achievement (Hammig & Jozkowski, 2013; Holt et al., 2014; Juvonen et al., 2011; Lacey & Cornell, 2013; Ponzo, 2013), long-term health, wealth, and social effects (Wolke et al., 2013), suicide (Bauman et al., 2013; Hertz et al., 2013), and other violence, including homicide (Anderson et al., 2001; Daniels & Bradley, 2011; Nansel et al., 2003).

Moreover, bullying has been examined through various theoretical lenses including routine activity theory (Zimmermann, 2007), defiance theory (Ttofi & Farrington, 2008), from a social justice viewpoint (Polanin & Vera, 2013), and from a social-ecological perspective (Garbarino, 1977; Hong & Garbarino, 2012; Koo, 2007; Swearer & Doll, 2001; Swearer & Hymel, 2015). It has also been studied considering legal issues (Brownstein, 2002; Cornell & Limber, 2015; Englander, 2007; Garby, 2013; Hinduja & Patchin, 2011; Strabstein et al., 2008; Weddle, 2004), as well as public policy (Cross et al., 2011; Farrington & Ttofi, 2009; Fitton, Ahmedani, Harold, & Shifflet, 2013). Furthermore, cyberbullying has recently been studied more extensively (Espelage et al., 2004; Holt & Espelage, 2012; J. Wang et al., 2011). Finally, bullying prevention programs (Bradshaw, 2015; Bradshaw, Waasdorp, O'Brennan, & Gulemetova, 2012; Hong, Lee, Lee, Lee, & Garbarino, 2014; Olweus & Limber, 2010; P. K. Smith, Smith, Osborn, & Samara, 2008) and other interventions (Crothers, Kolbert, & Barker, 2006; Kerns & Prinz, 2002; Park-Higgerson, Perumean-Chaney, Bartolucci, Grimley, & Singh, 2008; P. K. Smith, Ananiadou, & Cowie, 2003) have been broadly investigated. This worldwide compendium of work represents the complexity of an issue that can threaten all aspects of a child's life (Gladden, Vivolo-Kantor, Hamburger, & Lumpkin, 2014). As such, the breadth of examination is warranted.

Definitional challenges. A construct's definition is important to researchers' ability to apply a theoretical framework (Stassen Berger, 2007) and make recommendations for solutions

to social problems (Furlong et al., 2003). Furthermore, to maintain its value, empirical research must keep current on issues of definition and scope (P. K. Smith, 2004, p. 98). Additionally, when considering application of law to normalize behavior, precise definitions are imperative (Cornell & Limber, 2015). However, attempts to define bullying have become increasingly problematic over time (Englander, 2007; Garby, 2013; Guerin & Hennessy, 2002; Koo, 2007; Monks et al., 2009; Mount, 2005; P. K. Smith, Cowie, Olafsson, & Liefhoghe, 2002; Stassen Berger, 2007; Swearer & Doll, 2001; Walton, 2008; Wiseman, 2003), which may be due to the changing ways that—and evolving contexts in which—it is occurring.

Fundamental defining elements. As empirical research of bullying was becoming more established, Farrington (1993) suggested that “no universally accepted operational definition of bullying” (p. 384) existed. During that same period, Olweus (1993) generally defined bullying as repeated exposure over time to intentional injury or discomfort on the part of one or more students against one or more other students (p. 9), and further emphasized that bullying occurs when a power differential exists. This is the most commonly used definition of bullying today, but there are variations on this standard. Farrington (1993) put forward that absence of provocation is also characteristic of bullying, which is aligned with bullying behavior being unwanted. However, certain victims may provoke unwanted bullying if their own behavior causes irritation or tension among peers (Olweus, 1994, p. 1174).

As summarized in Table 1, researchers typically agree on the defining characteristics of bullying behaviors: aggressive, intent to cause harm, repeated over time, unwanted by the victim, and imbalance of power in favor of the aggressor. According to the American Psychological Association (2017), “aggression is used as an example of a typical construct in psychology, permeated with subtle meanings and not-so-subtle disagreements that make it difficult to reach a

consensual definition” (para. 1). As with bullying, it escapes simple definition and may be best understood through use of examples. Nevertheless, aggressive behavior is generally characterized by a hostile or forceful action, especially when intended to dominate (“Aggression [Def. 1].”, n.d.). In general, researchers affirm that intentional bullying behavior is differentiated from any harm caused as the result of an accidental occurrence (Guerin & Hennessy, 2002; Olweus, 1993; Walton, 2008).

Table 1

Commonly Used Defining Characteristics of Bullying

Term	Definition
Aggressive	Hostile or forceful action intended to dominate
Intent to cause harm	Deliberate and conscious desire to create a negative impact
Repeated over time	Frequent or continuous aggression toward a victim
Unwanted by victim	Unprovoked and unwelcome behavior
Imbalance of power	Victim is weaker than the bully in some way

Moreover, bullying usually occurs repeatedly over a period of time, rather than as a one-time event, and when the bully is—or is perceived to be—more powerful than the victim (Guerin & Hennessy, 2002; Koo, 2007; Lee, 2006; Olweus, 1993). Still, some suggest that injecting repetition into the definition without qualifying the amount of repetition required may yield imprecise measurements (Walton, 2008). A bully’s power advantage may come in physical form, as with body size and athletic ability, or may be due to perceived attractiveness. For others, the power imbalance may stem from a financial advantage, in which a bully has the ability to afford designer clothing or the latest electronic gadget. It may also be due to social status or a victim’s physical or learning disability (Thomas, Connor, & Scott, 2014). Moreover, it is possible that a victim may be psychologically or emotionally weaker than the bully.

Notwithstanding the source of any power differential, continuous and intentional harassment will likely cause harm to both the bully and the victim (Stassen Berger, 2007). Koo (2007) took a different approach to identifying the characteristics, and summarized them simply by using 4Ps: Power, Pain, Persistence, and Premeditation.

In Guerin and Hennessey's (2002) research on how students identify bullying, over 40 percent of students in the study viewed effect on the victim as important to the definition, which suggests that severity of injury as perceived by the victim is a significant factor to include. That is, a victim's feelings matter. In fact, Naylor et al.'s (2006) study of children's and teachers' definitions of bullying discovered that over 30 percent of the sample suggested that physical or psychological feelings would be hurt if victimized (p. 565). Furthermore, Lee (2006) challenged the notion of imposing a definition on human subjects in bullying research, suggesting that functional (how the definition is being used), cultural (based on the understandings in the setting), and contextual (considering the background and environment in which the terms are meant to operate) factors influence how a construct may be defined (pp. 63-64). Incidentally, Lee's (2006) research centered on surveying all 14 of the teachers at one school—to determine how they defined bullying. The teachers had been given a definition through published school policy; however, they earnestly took on the task of thoughtful consideration of what the construct meant to them. What eventually emerged was awareness that the definition was contextual—that it had different meaning for each of the teachers (Lee, 2006). Although the sample size of this study was small, similar results could be reasonably expected with larger samples. However, as noted, ranges of factors have an effect when constructing meaning.

Furthermore, bullying has been described as harassment, abuse, and intimidation (P. K. Smith et al., 2002), yet these terms refer to similar but different constructs that may be

understood differently if used in a survey, or when answering interview questions (p. 1121).

This is even more likely when interviewing students of different age levels (p. 1123).

Vaillancourt et al. (2008) highlighted the importance of considering how children conceptualize bullying, and their study found results predictably consistent with other researchers. Younger children's perceptions naturally concentrated on the overt forms of aggressive behavior that they can more readily understand and explain, while older children included subtler forms of bullying in their definitions (Guerin & Hennessy, 2002; Naylor et al., 2006; P. K. Smith et al., 2002). In fact, research has identified these as additional classifications of bullying, as depicted in Figure 2. A discussion of these categories follows.

Direct bullying. Physical acts, such as punching, kicking, hair-pulling, pushing a student's books on the floor, locking a student in or out of doors, and damaging another student's property, are known as direct bullying (Garby, 2013; Stassen Berger, 2007; J. Wang et al., 2009). These overt acts of physical violence often get more attention from authorities (Stassen Berger, 2007); however, verbal or written comments intended to bring harm to a specific victim, such as threatening, spreading gossip or rumors, name-calling, teasing, and taunting another student are further examples of direct bullying (P. K. Smith et al., 2002). The absence of physical contact does not suggest that this form of bullying is less harmful. In fact, the opposite may be true. In Guerin and Hennessey's (2002) study on how students define bullying, verbal bullying was the most common form, with 14 to 21 percent of students reporting that they had been verbally bullied, and over 55 percent of survey respondents identified bullying as having a negative effect on them. In their study, Wolke and Woods (2000) found that students involved in direct bullying were more psychologically disturbed than others (p. 998).

Indirect bullying. Also known as covert bullying, and relational or social aggression, this characterization of bullying consists of social isolation, often through intentional exclusion from a group or activities within a group (Crick & Grotpeter, 1995; P. K. Smith et al., 2002; J. Wang et al., 2009; Wolke & Woods, 2000). This type of bullying would not be considered an act of violence, and need not be; it is aggression. As such, suffering these types of experiences over a sustained period of time can have serious long-term consequences, such as higher rates of psychological maladjustment and depression (Crick & Grotpeter, 1995).

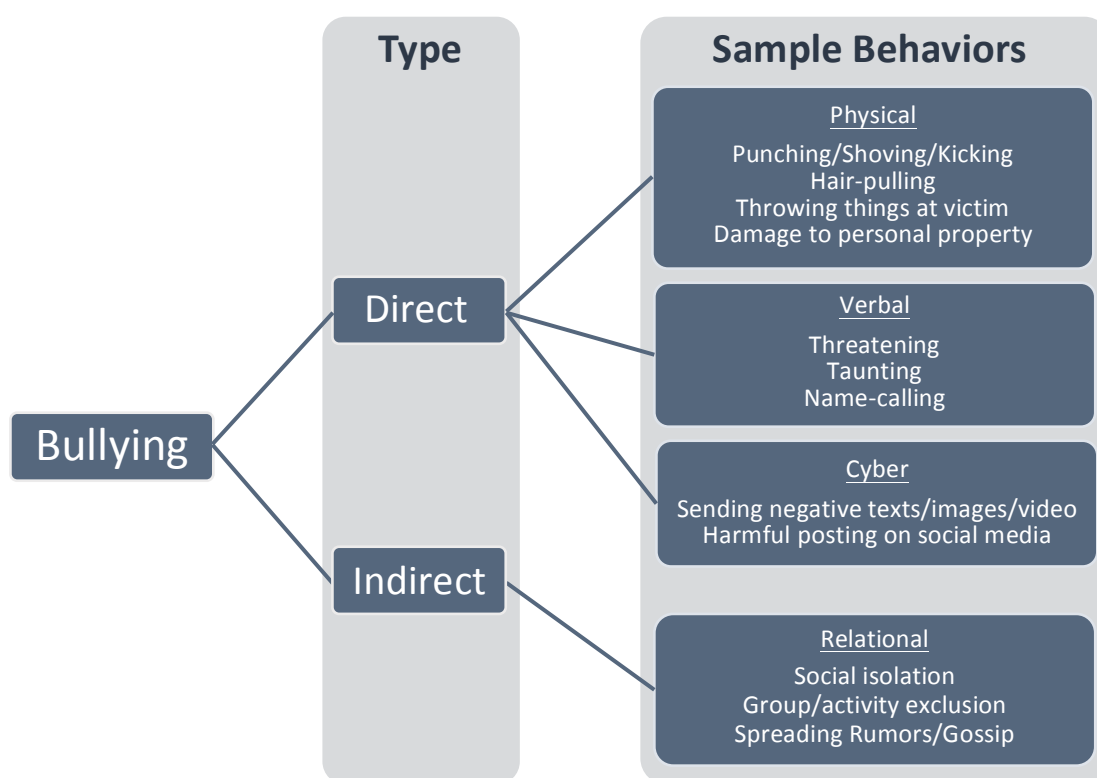


Figure 2. Bullying types and sub-types with sample behaviors.

What is cyberbullying? The aggressive actions that students take online are referred to as electronic bullying, Internet bullying, online social cruelty, online harassment, online aggression, cyberaggression, and cyberbullying (Jones et al., 2013; Kowalski, Giumetti, Schroeder, & Lattanner, 2014; Law, Shapka, Domene, & Gagné, 2012; Mishna, Saini, &

Solomon, 2009; J. Wang et al., 2009; Willard, 2007; Williams & Guerra, 2007). All of these terms relate to the use of various electronic information and communication technologies, such as computers, mobile phones, and tablets, to commit harassing acts using online games, text messaging and chat apps, social media websites, media sharing websites, blogs, and e-mail that involve behaviors such as sending embarrassing photos or videos, sending malicious, denigrating, or threatening messages, spreading rumors or gossip, teasing others, and exclusion from online groups (see the Appendix A for a list of apps reportedly used by adolescents for these purposes). However, Kowalski et al.'s (2014) meta-analysis summarized a wide array of operational definitions of cyberbullying, suggesting that consensus on specific parameters to define it is lacking, which limits the ability of researchers to measure prevalence with greater accuracy. For example, some defined cyberbullying with great specificity, while others used a more general definition (p. 1074).

There are obvious similarities between traditional bullying and cyberbullying, but there are also some notable differences. Juvonen and Gross (2008) found elements of in-school bullying to be similar to cyberbullying, while Slonje, Smith, and Frisé (2013) proposed that the issues of repetition and power imbalance were different in online aggression. Law, Shapka, Hymel et al. (2012) also proposed that the power imbalance that exists in traditional bullying situations is quite different in instances of cyberbullying. For example, in physical bullying there is often a degree of difference in size associated with the power imbalance, yet with online forms of aggression, the power dynamic is manifested differently—perhaps due to technological ability. Additionally, cyberbullying behaviors can occur at any time, which means cyberbullies have unlimited access to their victims, and some cyberbullies may deem themselves anonymous while online (Kowalski et al., 2014). Moreover, cyberbullying can cause sustained damage with

the potential for spreading one message, video, or image worldwide in an instant, thereby creating repetition. Unlike a verbal message, hurtful notes or images shared via social media or sent in a text message can be passed on to others at once, or posted on a media sharing site, and potentially go viral. Furthermore, the viewers or recipients of harmful messages, images, or videos may choose to never delete them from their own devices.

Toward a uniform definition of bullying. The American Psychological Association offers that bullying is “a form of aggressive behavior in which someone intentionally and repeatedly causes another person injury or discomfort” (para. 1). This definition positions bullying as a specific subset of aggression (Horne & Orpinas, 2003) within the psychological literature and does not limit focus on the behavior of students or youth. Using a public health emphasis, six U.S. governmental agencies (including the Departments of Education, Health and Human Services, Justice, Defense, Agriculture, and Interior)—some of which previously had individual definitions of bullying—recently aligned to generate a standardized definition and consistent data elements for broad use by organizations, researchers, evaluators, community groups, educators, and public health officials (Gladden et al., 2014, p. 1). To ensure legitimacy, the standards were reviewed by a select panel of 12 experts, 15 external reviewers, including distinguished researchers of youth bullying among them, and nine federal partner collaborators, whose feedback was incorporated to develop the following uniform definition of bullying:

Any unwanted aggressive behavior(s) by another youth or group of youths who are not siblings or current dating partners that involves an observed or perceived power imbalance and is repeated multiple times or is likely to be repeated. Bullying may inflict harm or distress on the targeted youth including physical, psychological, social, or educational harm. (Gladden et al., 2014, p. 7)

This definition qualifies that aggressors must not be in a close relationship with the victim, which is a fairly new qualifying characteristic of bullying, that Gladden et al. (2014) suggest is required to distinguish bullying from other forms of violence and aggression that have

their own specific risk factors, definitions, and recommended data elements (p. 7). However, other researchers have presented that, as well as school bullying, children can experience sibling bullying at home (Monks et al., 2009). Furthermore, some researchers and school districts throughout the country have interpreted that a single incident or interaction may be classified as bullying provided the incident is sufficiently serious (Gladden et al., 2014; Olweus, 1993; Walton, 2008). McGrath (2014) agrees, but has been critical of definitions that refer to intent, as well as repetition. As an attorney specializing in school bullying, harassment, and discrimination cases, and an educational consultant, McGrath advises from a legal standpoint that definitions focus on the measurable impact of behavior, rather than intent, which is a tenuous term in a court of law (p. 2). Her proposed definition carefully avoids equivocal terms:

Bullying means inflicting physical hurt or psychological distress on one or more students or schools [*sic*] employees. It is further defined as unwanted written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by an adult or student, that is severe, persistent or pervasive enough to create an intimidating, hostile, or offensive educational environment; cause discomfort or humiliation; or unreasonably interfere with the individual's school performance or participation. (McGrath, 2014, p. 2)

The language used here has striking parallels with a U.S. Supreme Court ruling in favor of a petitioner, who reported repeated sexual harassment of her fifth-grade daughter by a classmate, but the school district failed to correct ("Davis v. Monroe County Bd. of Ed.," 1999). Whether the uniform definition will withstand legal scrutiny, or if that need exists, is unclear. One definition of bullying would be ideal; however, context will likely determine which definition of bullying will be used, and when. For example, neither the uniform definition proposed by Gladden et al. (2014), nor what McGrath (2014) recommended mentions cyberbullying directly; however, it would be included as unwanted behavior. The matter of defining bullying is difficult and suggests that researchers have modified the definition

contextually based on various settings and situations. These contexts were important to this study and explored in further detail.

Bullying prevalence and severity. Some researchers have questioned the seriousness of bullying; presenting it as a minor challenge that children must face as a normal part of the socialization process, and as associated with low levels of violence (e.g., Tolan, 2004). Additionally, in dissenting a judgment related to a case of sexual harassment at school, that was consistent with the definition of bullying, Supreme Court Justice Kennedy stated that, “almost every child, at some point, has trouble in school because he or she is being teased by his or her peers,” (“Davis v. Monroe County Bd. of Ed.,” 1999, p. 678). Research supports this statement to a degree (J. Wang et al., 2009; Williams & Guerra, 2007); however, numerous studies also identify bullying as a serious concern with criminal and potentially devastating mental and physical health consequences (Fox et al., 2003; Hertz et al., 2013; Molcho et al., 2009; Nansel et al., 2003; J. Wang et al., 2009).

The extent of bullying. In a landmark study of the Health Behaviour of School-aged Children (HBSC) 1997 and 1998 survey data from a diverse cross-section of 15,686 U.S. middle and high school students in both public and private schools, Nansel et al. (2001) found that 29.9% of their total sample was involved in some type of bullying, as reported by students. It is interesting to note that the researchers designed the study to oversample African American and Hispanic students, but did not explain their reasoning for doing so. Their questionnaire provided a full description of bullying with examples, and the researchers only used reports of moderate or frequent occurrences of being the bully, the victim, or both (2001). Surprisingly, the largest percentage (13%) was reported by those who identified as the bully, followed by the victims—or targets of bullying (10.6%), and then bully-victims reporting 6.3%. Survey respondents also

reported the ways in which they were bullied from among the following five choices: (a) belittled about religion/race, (b) belittled about looks/speech, (c) hit/slapped/pushed, (d) subject of rumors or lies, and (e) subject of sexual comments/gestures (2001, p. 2095). More than 21% of respondents reported that they were belittled due to their looks or speech several times a week, while 20.3% reported they were the subject of sexual comments or gestures with the same frequency. This indicates that bullying may be occurring at a high rate throughout U.S. schools. See Table 2 for a comparison of bullying prevalence as reported in notable studies.

Table 2

Comparison of Bullying Prevalence by Type as Reported in Various Studies

Study	Year	n	Direct (%)			Relational (%)		
			Bully	Victim	Bully/ Victim	Bully	Victim	Bully/ Victim
Wolke, Karstadt	1999	2377	14.0	24.5	24.3	9.8	45.9	13.6
Wolke, et al.	2000	1639	4.3	39.8	10.2	1.1	37.9	5.9
Haynie, et al.	2001	4263	7.4	30.9	---	---	---	---
Nansel, et al.	2001	15686	13.0	10.6	6.3	---	---	---
Wang, Iannotti, Nansel	2009	7182	29.0	29.1	29.9	10.4	24.3	16.7

In 2009, Wang, et al. used 2005 to 2006 HBSC data from 7,182 U.S. adolescents and measured instances of cyberbullying along with traditional forms of bullying. The researchers found that over the previous two-month period, the majority of participants were not involved in bullying; however, among those that were involved, the most common types of bullying behaviors were verbal (37.4%) and relational (27.2%), while most prevalent for victimization during the same time period were also verbal (36.5%) and relational (41.0%) (2009, p. 370). Moreover, they found that among those involved in verbal bullying, bully-victims had the highest prevalence rate of 38.1%, while those who only bullied measured at 30.3% and victims

totaled 31.7%. Furthermore, of those involved in relational bullying, victims measured highest at 48.1%, and bully-victims at 32.8%. It is interesting that the bully-victim percentages are higher than bullies alone, with the exception of physical bullies, who have a greater percentage (38.9%) than victims (36.0%) or bully-victims (26.3%). This is consistent with some researchers' claims that students in the bully-victim classification are becoming increasingly at-risk (Mishna, Khoury-Kassabri, Gadalla, & Daciuk, 2012).

In their study of 2,186 urban middle and high school students self-reporting on cyberbullying frequency among the bully, victim, and bully-victim categories, Mishna et al. (2012) found high prevalence for students involved in cyberbullying at 57.5%. This number represents only 8.0% reporting as bullies, 23.8% as victims, and 25.7% as bully-victims. However, the researchers asked the respondents if they were involved in specific cyberbullying behaviors—as the aggressor or the target—without identifying the behaviors as bullying (2012, p. 66). In most studies surveying students about their involvement with bullying, a definition with examples is provided (Bauman et al., 2013; Haynie et al., 2001; Kowalski & Limber, 2013; Molcho et al., 2009; Nansel et al., 2001; J. Wang et al., 2009; Wolke & Woods, 2000).

Molcho et al. (2009) also utilized HBSC survey data to study trends in bullying behavior over a period of 12 years in over 20 European and North American countries. Beginning with the 1993 to 1994 HBSC survey, which is conducted every four years, their findings indicated all but a few countries showed significant decreases in the prevalence of bullying and victimization (2009). Although, the U.S. is not represented in the first HBSC survey, the prevalence rate of occasional and chronic bullying and victimization declined comparably with the majority of countries included in the study (2009). Yet, these results cannot explain the increase in the study of bullying. According to the researchers, these remarkable findings may be explained by

interventions that have been implemented, by changed attitudes toward bullying due to increased awareness of the problems associated with it, by changes in bullying behaviors, or by biased reporting (Molcho et al., 2009, pp. 232-233). Nevertheless, Nansel et al. (2001) point to several limitations of HBSC survey data. The survey only includes self-reporting of middle and high school students, and the data are cross-sectional. Self-reporting allows for bias and individual perception-taking (2001, p. 2099). Additionally, elementary students also engage in bullying behaviors, and it would be helpful to measure their involvement (2001, p. 2099). Moreover, the HBSC survey does not take cyberbullying into consideration, which is increasing in prevalence (Jones et al., 2013; Stassen Berger, 2007).

Jones et al. (2013) also presented findings of a study examining three cross-sectional self-report surveys representing youth Internet users ages 10 to 17 from across the nation. The Youth Internet Safety Surveys (YISSs) from 2000, 2005, and 2010 involved approximately 1,500 respondents for each of the three survey years. The authors identified the aggression as online harassment, and found an increase of 5% over the 10-year period, primarily with indirect harassment (2013). Although rates overall remained low, they nearly doubled over the course of the study. Moreover, the percentage of female victims (21%) and offenders (28%) trended upward by a large margin. As online aggression is primarily suited to indirect types of bullying, these results are consistent with other studies reporting females' inclination toward its use (Jones et al., 2013, p. 64; J. Wang et al., 2009). However, boys were still more likely to be cyberbullies, and girls more likely to be cybervictims (Low & Espelage, 2013; J. Wang et al., 2009).

Furthermore, Mishna et al. (2009) reported that cyberbullying prevalence rates range across studies from roughly 10% to 35% (p. 1223), and in a study of 1,498 young Internet users in the

U.S., cyberbullies were found to outnumber cybervictims by nearly three to one (Stassen Berger, 2007; Ybarra & Mitchell, 2004).

An interesting finding from Jones et al.'s (2013) study was that harassed youth were more likely to use the Internet more times in a week, as well as more hours per day. It should also be noted that Jones et al. (2013) recognized that limitations of their study included the timing of their research, which was conducted by phone, may have been unfavorable due to the advent of cell phones becoming the primary means of reaching individuals, and that response rates were likely affected. Furthermore, technology changed dramatically between 2000 and 2010; as a result, survey questions needed to be modified, and for the earlier survey results, no responses existed for questions regarding new technologies (Jones et al., 2013). Although this element of cyberbullying was not present in the research reviewed, the number of cell phone videos being posted of school fights involving both males and females has been increasing on the Internet—along with the negative commenting associated with them. This disturbing trend is a way for boys to engage in aggression virtually, which makes Wang et al.'s (2009) finding reasonable that boys are the more likely cyberbullies. Nonetheless, Stassen Berger (2007) makes a clear point that there are gaps in the bullying literature, due in part to interest in emerging issues, and reaction to urgent concerns (p. 91). With the rapid pace of technology change—and adoption by youth—researchers may face difficulties in proposing interventions to thwart cyberbullying. As technology continues to advance, and new methods of cyberbullying are devised—and revealed, additional research will be necessary to identify current trends. Ideally, technology would also be used to capture data from larger samples from a diverse Internet-user population.

With the growth of computer and mobile device usage among children, bullying seems to be an inescapable element of life for youth today. Volk, Camilleri, Dane, and Marini (2012), however, attribute the ubiquitous nature of bullying to an evolutionary adaptation for adolescents they have deemed as pure bullies—those who bully, but are not victims. Remarkably, they suggest that genetics can explain the prevalence and consistency of bullying behaviors throughout history, and across cultures and geographical areas (p. 223). They further posit that bullying has an adaptive nature, as an organism in evolution; therefore, it may not be maladaptive, but instead adolescents' adaptive response to "past evolutionary pressures" (p. 223) that serve the evolutionary goals of growth, health, and survival, and securing appropriate mating opportunities. Linking their argument to evolutionary theory, Volk et al. (2012) suggested that "adaptations do not require that the individual consciously and efficiently pursues the goal" (p. 223), only that "she must simply behave in a way that does, on average, improve her reproductive fitness, whether or not she is consciously and/or efficiently addressing that problem" (p. 223). This, and some of their other points, seemed highly speculative. For example, not all children are bullies, and their explanation for this variance is that bullying is "a heterogeneous behavior" (p. 231) and that as a facultative adaptation, bullying is only expressed under particular environmental conditions that involve weighing the costs of bullying with the benefits of it. Moreover, they submitted that bullying behavior in animals suggests strong support for a genetic source of bullying in adolescent children (p. 230); however, as they indicated dominant female hyenas that bully weaker female hyenas have high levels of testosterone, one could also posit that hormonal fluctuations are linked with aggression in children and causing their bullying behavior—as well, or instead (2012). Nevertheless, a growing number of researchers are including mentions of genetics and evolutionary perspectives

in their discussions on bullying etiology, postulating that bullying is goal-directed (Dixon, 2008; Ellis et al., 2012; Juvonen & Graham, 2014; Olthof, Goossens, Vermande, Aleva, & van der Meulen, 2011; Rodkin, Espelage, & Hanish, 2015; Wolke & Lereya, 2015). As research in the field is also evolving, use of alternative approaches to understand bullying should provoke fresh thinking about this longstanding problem, which often has severe consequences for youth.

The consequences of bullying. Notwithstanding the decreasing prevalence in bullying reported by Molcho et al. (2009), the adverse effects of bullying and victimization reported in the literature are severe (Anderson et al., 2001; Molcho et al., 2009; Nansel et al., 2003; Nansel et al., 2001; Young-Jones et al., 2015). For example, in 2001, Anderson et al. conducted a study in partnership with the U.S. Departments of Education and Justice to gain insight into the school-associated deaths in the U.S that had been occurring in the late 1990s. School-associated deaths included more than just students; faculty, school staff, family members, and community members were also included as victims. One of their most notable findings was that among students, the perpetrators of homicide were more than twice as likely as victims of homicide to have been bullied by their peers, and overall, the study showed an association between bullying victimization and aggressive behavior (Anderson et al., 2001, p. 2701). Also, Nansel et al. (2001) found that bully-victims showed more significant social/emotional maladjustment and problem behaviors than just bullies or victims, and these findings were similar throughout groups by age and sex (p. 2099).

Moreover, Nansel et al. (2003) found that bullying others and being bullied was associated with violent behavior for bullies and victims. Using the same robust sample from their 2001 study regarding bullying behaviors, both in and away from school, the researchers surveyed participants about their weapon carrying, fighting frequency, and frequency of injuries

from fighting (2003). The findings showed that boys were involved in violence behaviors more frequently than girls, and generated prevalence estimates of over 1.8 million students who had carried a weapon to school within one month of the study and 1.7 million who had been in four or more physical fights within one year of the study, and they estimated that nearly three million students had been injured during a physical fight within the past year of the study (2003, p. 350). Among the boys who were involved in weekly bullying away from school, 70.2% reported carrying a weapon in the past month, while 52.2% of those involved in bullying at school reported carrying a weapon. For girls, prevalence was 29.2%, if involved in bullying at school, and 40.9% when involved in bullying away from school (2003, p. 351). Consistent with other research, this study concluded that the association between bullying and violent behaviors is stronger for bullies than it is for victims (2003). Further proof of this is found in Sourander et al.'s (2011) birth cohort study that followed 5,813 children from the ages of 8 to 26 years and found a strong association between bullying and crime among males. These researchers discovered that frequent bullying was especially predictive of repeated crime (p. 1214). However, the strongest association was between frequent bullying and violence. Those who were frequent bullies at age 8 were more likely to have committed a violent offense between the ages of 23 and 26 (p. 1214).

Suicide, or bullycide, and suicidal ideation are additional negative consequences of bullying. By 2001, the persistence of this phenomenon of committing suicide due to inability to cope with school bullying justified coining a term to identify it (Marr, 2011). However, as Bauman et al. (2013) noted, there are mixed findings on associations, with the inconsistencies primarily related to gender differences (Klomek, Sourander, & Gould, 2010). Consistently, males and females were found to have noticeably different risk profiles (Bannink et al., 2014;

Klomek et al., 2010). In their longitudinal study, Bannink et al. (2014) assessed cyberbullying and traditional bullying and found both forms of victimization were associated with mental health problems in females, but their study results only indicated an association between traditional bullying victimization and suicidal ideation (p. 3). Moreover, Bauman et al. (2013) reported that for females, cybervictimization and traditional bullying were significant predictors of depression, while traditional victimization was a significant predictor of depression for both males and females (pp. 345-346). In their review of cross-sectional and longitudinal studies regarding bullying and suicide, Klomek et al. (2010) corroborated these findings, but further deduced that for males, only frequent victimization was associated with depression, while both frequent and infrequent victimization associated with suicidal ideation. These are important factors to examine, as depression is a known risk factor for suicidal behavior (Bauman et al., 2013, p. 342); however, Klomek et al. (2009) and Klomek et al. (2010) found that for adolescents, school bullying—as bully, victim, or bully-victim—is a risk factor independent of other suicide risk factors, including depression. Interestingly, Hinduja and Patchin (2010) suggested that being a victim of cyberbullying independently of other factors is unlikely to lead a youth to commit suicide (p. 217). Although their study clearly showed a relationship between both forms of bullying and increased suicidal ideation, they put forward that cyberbullying “tends to exacerbate instability and hopelessness in the minds of adolescents already struggling with stressful life circumstances” (p. 217). As compelling as these facts are, depression, suicidal ideation and completed suicides, psychosocial maladjustment, increased violence, and repeated crime are not the only negative effects of bullying.

Supreme Court Justice Kennedy stated another truth in the aforementioned case that, “Most children respond to teasing in ways that detract from their ability to learn” (“Davis v.

Monroe County Bd. of Ed.,” 1999, p. 678), and the effect of bullying—including verbal teasing—on academic achievement has been a focus of study, though to a lesser degree than might be expected (Ponzo, 2013; Schwartz et al., 2005; W. Wang et al., 2014). Of those studies, most have been focused on more harmful incidents of bullying rather than more harmless teasing—even though it is acknowledged that teasing can be extremely cruel and incessant. Although a nation could benefit in many ways from the results, Ponzo (2013) highlights the fact that research has largely neglected the issue of how bullying affects students’ performance. Using the 2007 Trends in International Mathematics and Science Study (TIMSS) survey data, she showed that bullying has a significantly negative impact on student achievement in reading comprehension and overall performance, “corresponding to a reduction of mother’s years of education of about 5.6” (p. 1065). Additionally, fourth and eighth grade victims of bullying were found to achieve lower test scores in mathematics and science (p. 1065). Similarly, Juvonen et al. (2011) reported that strong correlations exist between social stressors—such as those present in bullying incidents—and academic performance indicators. Further, they suggested that during middle school, peer victimization can explain up to an average of a 1.5 letter grade decrease in one academic subject (Juvonen et al., 2011, p. 167). Hammig and Jozkowski (2013), utilizing the 2009 Youth Risk Behavior Survey (YRBS) data with 14,801 adolescent respondents, reported that peer victimization is negatively associated with academic achievement for both male and female adolescents (p. 1430), which is a shared finding by Nakamoto and Schwartz (2010) in their meta-analytic review of 33 studies that used self, parent, peer, teacher, and multiple reporters for a total of 29,552 participants. It is important to note that of the studies they reviewed, relatively weak effect sizes were found in studies that used self-report measures, which may have been due to their inherent reliability challenges (2010, p. 16).

Risser (2013) also conducted a study to explore the unique relationship between relational aggression and performance in elementary school (p. 13). Using a sample selected from the National Institute of Child Health and Human Development (NICHD) Study of Early Child Care and Youth Development, Risser (2013) found that for females, relational aggression held a significant and negative relationship with concurrent and future performance in school, as measured at grades four and five (p. 22). Interestingly, teacher reports of relational aggression used by males in this study were “not uncommon” (p. 23), but girls experience more relational aggression and are more frequently victims of this form of bullying (Bannink et al., 2014; Risser, 2013).

Finally, several studies have pointed to the long-term effects of bullying that persist into adulthood. For example, Wolke et al. (2013) conducted a population-based longitudinal study of 1,420 participants in three cohorts, of which 1,273 were followed up in young adulthood. The results clearly show a relationship between specific bullying roles in childhood and adult health problems, such as regular smoking, non-substance psychiatric disorder, and self-reported slow recovery from illness. Risky behaviors, such as marijuana use, robbery, and police contact were highly indicated for those who only bullied, or were bully-victims, and associations between those same bullying roles and adulthood wealth factors, such as no high school diploma, living in poverty, and quitting multiple jobs were also reported (Wolke et al., 2013). Related to social functioning in adulthood, bully-victims in particular, had a poor relationship with their parents, and lacked having a best friend (2013). Nonetheless, Wolke et al. (2013) found that any involvement with bullying was “predictive of negative health, financial, behavioral, and social outcomes in adulthood” (p. 1967). McDougall and Vaillancourt (2015) also linked peer

victimization in childhood and adolescence to long-term academic, social, self, physical, internalizing, and externalizing maladjustment (p. 303).

These risks to youth indicate a need for a more homogenous set of standards applied to developing interventions and more rigorous monitoring of adherence to those standards. What if the consequence of a bully's actions fit the severity of risk to the victim? What if the interventions or bullying prevention policies implemented were adequately comprehensive to touch upon all of the factors that affect the problem? Is such a solution possible? Do children deserve our best effort to solve this social problem? Bullying, in all of its forms, is a complex problem and these questions do not wholly evoke simple answers. Indeed, bullying affects us all whether immediately involved or as a more distant social concern. Therefore, as adults, do we have a responsibility to provide a working solution for it? Conceivably, these questions can be more readily answered when the issues are placed in a practical framework. The remainder of this chapter will concentrate on such a framework and detail the various influences and supports within the various spheres involved.

Bullying from the Social-Ecological Perspective

The social-ecological approach to examining social problems is not new, but a resumption of a decades-old theory (Bronfenbrenner, 1979; McNeilly-Choque, 1996; Olweus, 1993; Swearer & Espelage, 2004). In the 1970s, researchers began recommending the use of an ecological perspective to study phenomena, which removes the limitation of studying subjects using a single-factor influence (Bronfenbrenner, 1979; Garbarino, 1977). Bronfenbrenner (1979) reasoned that ecological transitions occur when "a person's position in the environment is altered as the result of a change in role, setting, or both," (p. 26) and that development "is always... expressed through behavior in a particular environmental context" (p. 27). In his seminal work,

Olweus (1993) pointed to a need for analysis of environmental factors, yet concentrated his writing primarily on the behavior of individual actors (Walton, 2008). As it was decades ago, most studies today concentrate on a microanalysis of characteristics of the actors involved (Garbarino, 1977). Using such limited approaches nonetheless adds value to the bullying literature; however, a systems approach is essential to effectively understand a problem of this magnitude and complexity, and researchers can only recommend effective interventions and other supports when the problem is fully comprehended.

More recent researchers' application of this comprehensive framework to bullying facilitates exploration of characteristics not only related to the individuals directly involved, but also of interrelated systems and their influences on those individuals (Mikami, Lerner, & Lun, 2010; Monks et al., 2009; Swearer & Doll, 2001; Swearer & Espelage, 2004). For example, Johnson, McGue, and Iacono (2005) suggested that relationships exist "between disruptive behaviors and achievement difficulties... thought to develop through a series of reciprocal processes involving parents, children, and teachers within the contexts of the home, school, and peer group" (p. 391) in their discussion regarding 11-year-olds. Swearer and Doll (2001) proposed:

Ecological theory presumes that... children also accommodate to their immediate social and physical environment. This environment, in turn, is mediated by more remote forces in the larger community and society. These act as ecological systems, and competence or problems that are evidenced in the child are reflecting properties of this integrated system and not just their individual characteristics. (pp. 9-10)

Swearer and Espelage (2004) underscored this point more specifically, stating that bullying "is encouraged and/or inhibited as a result of the complex relationships between the individual, family, peer group, school, community, and culture" (p. 3). As these constituents are examined from an interrelated ecological systems perspective, they can be conceptualized as nested systems. Next, the characteristics and interrelationships in the four systems (micro-, exo-,

meso-, and macro-), as well as examples of prevention methods and interventions within those systems will be discussed.

Microsystem. The child is at the center of this system and all other systems, but the microsystem only encompasses his or her relationship with one system—it is where direct interaction takes place (Hong & Garbarino, 2012). This limited social network consists of the bully, bully-victim, victim, and bystander. As represented in Figure 3, if they are present, each of these individuals will be involved in an instance of bullying and will influence other involvement in it, including each one's reaction to the actions of the others (Swearer & Espelage, 2004, pp. 3-4). According to Cunningham (2007), each of the roles in the microsystem “have different psychological and social profiles” (p. 459). In fact, there are many characteristics of each individual that may influence bullying behavior in this system. Next, each of the individuals in the microsystem, and their roles and characteristics, will be discussed in detail.

Victims. Adolescent victims of bullying are often depressed, cautious, sensitive, quiet, and have low self-esteem. They also tend to be socially anxious and insecure about other students, have low social status among peers, have few friends, and feel lonely. Moreover, victims are likely to be afraid of new situations (Haynie et al., 2001; Olweus, 1993). Victims typically have negative attitudes about bullying and often find ways to avoid it by staying home from school, refusing to go where victimization is expected to occur, and running away from home. Linking depression with these other internalizing factors puts victims at higher risk for suicide, which they sometimes attempt (Haynie et al., 2001, p. 32). Simply being a victim of bullying puts children at risk for anxiety, depression, suicidal ideation, and personality disorder, and these risks may persist into adulthood (Sourander et al., 2011). In some extreme cases, victims may become bullies and resort to violent behavior, as seen in the cases of notorious

school shootings; though Sourander et al. (2011) are careful to note that being a victim is not an independent risk factor for future violence (p. 1217).

Additionally, bullying victims are often targeted because of their differences from the mainstream—whether due to physical appearance, gender identity, clothing, race, religion, personality, abilities, or some other distinctiveness, which is why Englander (2007) highlighted parallels between certain characteristics of bullying and hate crimes, as defined by the Massachusetts Civil Rights Act. Most notable among them is that hate crimes are targeted toward victims or groups perceived as different from that of the aggressor (p. 205). Recently, researchers have begun studying a new relational stressor termed rejection sensitivity, which signifies an overly anxious reaction to possible rejection (Bowker, Thomas, Spencer, & Park, 2013; Chango, McElhaney, Allen, Schad, & Marsto, 2012). As a general term, individuals can be specifically anxious about race, gender identity, religion, and their appearance; hence, appearance-based rejection sensitivity means an overreaction to possibilities of being rejected due to appearance, and empirical evidence suggests that it is linked to internalizing disorders (Bowker et al., 2013, p. 375). In a survey of 5,403 elementary and 4,617 high school students; the most reported reason for bullying was appearance; others included grades and sexual orientation (Craggs, 2013, para. 21). Lacey and Cornell (2013) studied the impact of teasing on 7,304 ninth grade students and found only a modest correlation between the prevalence of teasing and bullying and individual academic achievement. However, they suggest their findings imply the level of teasing and bullying in a school may have a general effect and schoolwide achievement insufficient to propose a causal connection (p. 277). Nevertheless, peer victimization is associated with depression, anxiety, loneliness, and low self-esteem; and coupled with peer rejection, has implications linked to academic difficulty (Hawker & Boulton, 2000;

Schwartz et al., 2005, p. 426). Furthermore, sexual orientation and gender identity issues have increasingly been the subject of research in recent years (Hong & Garbarino, 2012; Juvonen & Graham, 2014; McCabe & Robinson, 2008; Michaelson, 2008), as bullying victimization prevalence rates are reportedly higher among groups in the sexual minority (Hong & Garbarino, 2012, p. 272).

Bullies. Perpetrators of bullying generally have high impulsivity and poor self-control (Cunningham, 2007), and demonstrate weaker psychosocial functioning than others not identified as bullies (Haynie et al., 2001). They are at risk for depression and other psychological distress, including anxiety and suicidal ideation (Holt & Espelage, 2007; Liu & Graves, 2011). Bullies were found to have positive attitudes toward aggression, and negative attitudes toward peers, be physically stronger and prone to dominate, as well as exhibit little empathy toward victims. In fact, research has found that bullies tend to legitimize their behavior by attempting to deflect responsibility for their actions on to others (Cranham & Carroll, 2003, p. 115; Olweus, 1993). They were also found to like school less, and be less popular among their teachers (Haynie et al., 2001, p. 31). Additionally, those identified as bullies are at higher risk of future criminality than other roles in the microsystem, including delinquency, and alcohol and drug abuse (Haynie et al., 2001, p. 31; Sourander et al., 2011).

Bully-victims. Considerable research has found that individuals in this role are at increased risk for externalizing behavior problems, such as reactive aggression (Perren & Alsaker, 2006), internalizing behavior problems, such as depression (Haynie et al., 2001), physical symptoms of anxiety, and they report less social support from peers and their teachers (Holt & Espelage, 2007). However, few studies have focused on characteristics of individuals who are victims and who bully. Nevertheless, being a bully-victim may be associated with

future school avoidance (Perren & Alsaker, 2006), and linked to lower academic competence, social acceptance, and overall self-worth (Haynie et al., 2001).

Bystanders. What kind of influence takes place in the child who stands by watching while a peer is being victimized? A number of studies cite statistics on students who are purported to be directly involved in bullying, but the bystander has been largely ignored (Bettencourt & Farrell, 2013; Bosworth et al., 1999; Colvin, Tobin, Beard, Hagan, & Sprague, 1998). They are influenced by witnessed bullying, and also influence it; therefore, they cannot be counted as uninvolved (Cranham & Carroll, 2003; Greene, 2006; Swearer & Espelage, 2004).

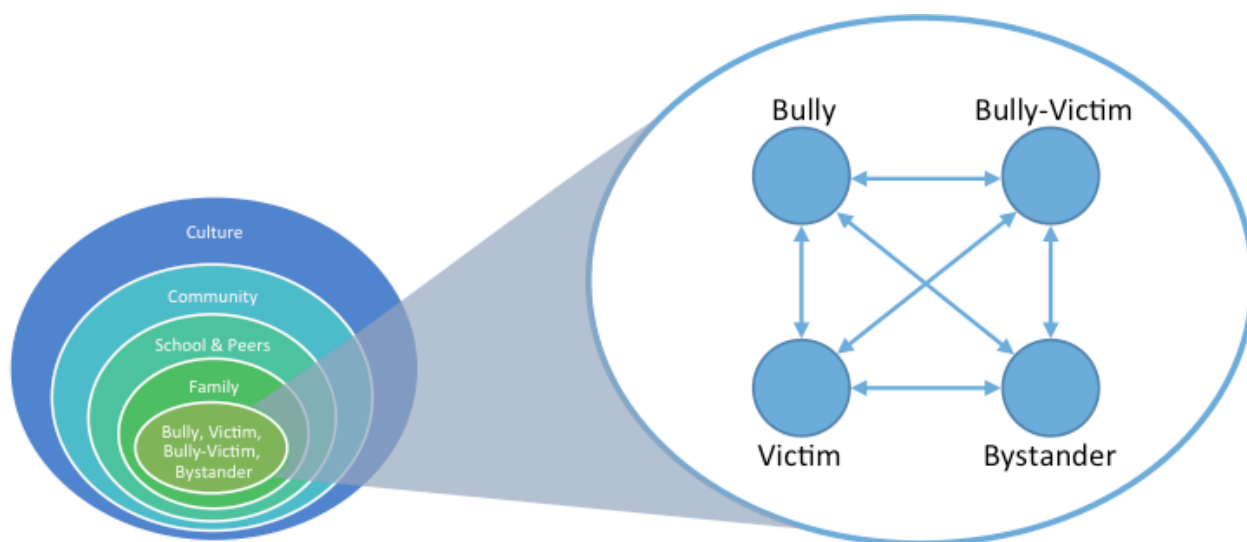


Figure 3. Reciprocal influences and interactions among individuals within the social-ecological microsystem. Adapted from “Introduction,” by D. L. Espelage and S. M. Swearer, in D. L. Espelage and S. M. Swearer (Eds.), *Bullying in American Schools: A Social-Ecological Perspective on Prevention and Intervention*, (p. 4), 2004, New York: Routledge. Copyright 2004 by Taylor and Francis Group LLC. Adapted by permission of Taylor and Francis Group LLC, a division of Informa plc.

Victims have reported increased feelings of violation due to the inaction of their peers standing by, and bystanders are often great in number (Cranham & Carroll, 2003, p. 114). Furthermore, Cranham and Carroll (2003) suggested that bystanders may suffer mental anguish for feeling helpless or powerless to intervene, or they may enjoy watching (p. 114). Greene (2006) recognized that bystanders have a role in the bullying sphere of influence, through which

they can “actively or passively support the bully or defend the victim” (p. 68), and cautioned against proposing interventions and developing programs only for the bullies or victims. In fact, the bystander role may be the one that is most vulnerable, or most instrumental during a bullying incident.

Beyond the four roles in bullying that researchers have empirically and conceptually acknowledged, Figure 4 depicts a number of additional roles that may be a more accurate representation of the types of individuals involved in bullying and victimization. This depiction considers victimization on a continuum, and used the Bullying Circle Exercise adult activity in the Olweus Bullying Prevention Program as the source for the various roles (Olweus & Limber, 2010, p. 125). The labels used in the model are to some degree correlated with roles categorized by Salmivalli, Lagerspetz, Björkqvist, Österman, and Kaukialnen (1996):

- Reinforcers are individuals who actively encourage the bully.
- Assistants are followers of the bully.
- Outsiders are passive observers of bullying.
- Defenders are those who intervene on the victim’s behalf.

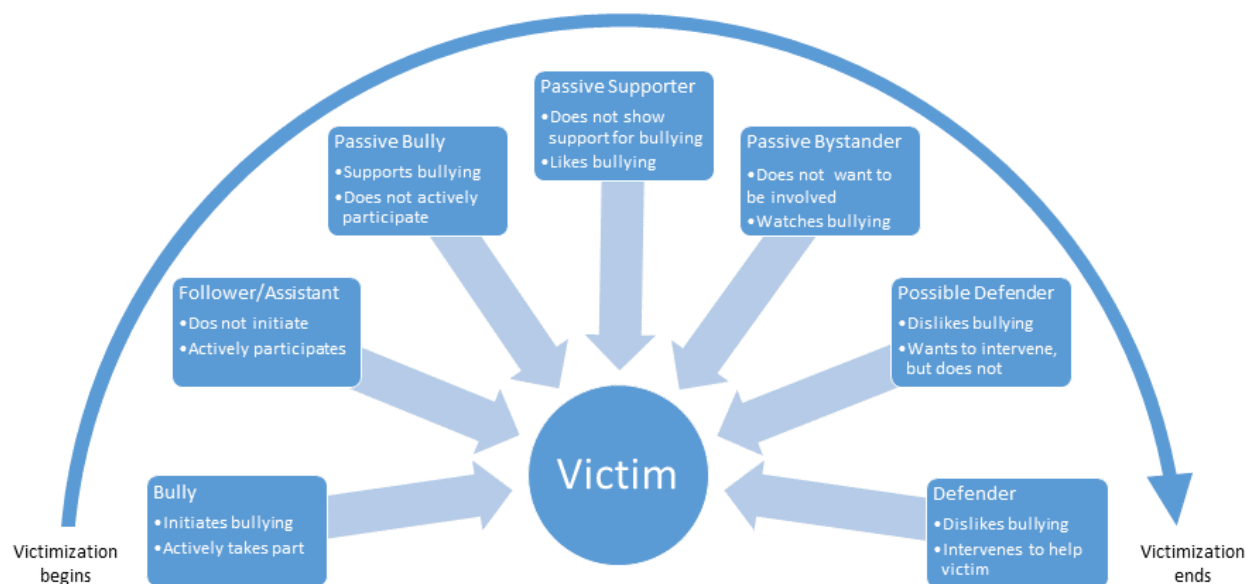


Figure 4. Student roles and modes of reaction during a bullying incident—a victimization continuum. Adapted from “Peer Harassment: A Critical Analysis and Some Important Issues,” by D. Olweus, in J. Juvonen and S. Graham (Eds.), *Peer Harassment in School: The Plight of the Vulnerable and Victimized*, (p. 15), 2001, New York: Guilford Press. Copyright 2001 by Guilford Press. Adapted with permission.

In their study of bystander responses to school bullying, Trach, Hymel, Waterhouse, and Neale (2010) found that girls were more likely to have taken positive intervention steps than boys, and that rates of bystander intervention are significantly lowered as students enter middle school (p. 116). However, boys and girls were both as likely to ignore or avoid the bully, even when they took no intervention steps (p. 114). Furthermore, they found that girls tend to defend victims more than boys, and are less likely to reinforce bullies’ behavior. Other common strategies used when intervening included talking to the bully, supporting the victim, and seeking help from an adult (Trach et al., 2010, p. 116). These behaviors and strategies are influenced by the mesosystem.

Individual interventions. Interventions that have been recommended at the microsystem level include assertiveness training through which victims or potential victims learn to cope with bullying in ways that are not passive or aggressive; the No Blame support group has also shown

success by forming a support group including all of the individuals directly involved, including bystanders, and letting them take responsibility for creating their own solutions (P. K. Smith et al., 2003). A two-year evaluation of this program was deemed successful—with no continued reports of bullying—in 80% of cases (p. 591).

Mesosystem. In the mesosystem, links between two or more microsystems are explored (Hong & Garbarino, 2012, p. 273), such as between the family and the child of any role. Research supports that families influence bullying victims (Baldry & Farrington, 1998; Georgiou, 2008; Idsoe, Solli, & Cosmovici, 2008; Lereya, Samara, & Wolke, 2013; Papanikolaou, Chatzikosma, & Kleio, 2011) as family members are affected by the bullying (Harcourt et al., 2014), and parenting styles and practices are a significant factor (Baldry & Farrington, 1998; Baldry & Farrington, 2000; Haynie et al., 2001; Olweus, 1980).

It is interesting to note that children involved in bullying may perceive their families differently than other family members. For example, Stevens, De Bourdeauhuij, and Van Oost (2002) reported that bullies identify their families as lacking cohesion and they observe a strong power differential between mothers and fathers, with fathers being more powerful. Bullies also sensed a power imbalance between themselves and siblings, with siblings having greater power. With victims, they reported high levels of cohesiveness and low negotiation scores, as well as more powerful fathers than mothers and less powerful siblings. Bully-victims reported having more power for themselves, as well as more neglect and overprotection (p. 420).

Parents' characteristics and influences. Several studies have shown that the parenting practices of aggressive children are continually linked to poor parental supervision and permissiveness toward the child's aggressive behavior, negative emotional attitude, authoritarian approach, lacking in warmth, use of inconsistent or harsh discipline such as physical punishment,

disrupted relationship between parents and parental disharmony, parental rejection, low parental involvement, and sibling bullying (Baldry & Farrington, 1998; Baldry & Farrington, 2000; Georgiou, 2008; Georgiou & Stavrinides, 2012; Haynie et al., 2001; Monks et al., 2009; Olweus, 1980). Of these studies, Georgiou and Stavrinides (2012) report that permissiveness is the best predictor of victimization, while authoritarianism best predicts bullying and aggression.

Essentially, bullies have frequently learned bullying from their parents or parental figures (Baldry & Farrington, 1998). In fact, the emotional impact of parental involvement—or lack of involvement—may be the most significant factor in a child’s development. It is important to note that researchers have found fathers victimized males to either be absent or distant and critical (Duncan, 2004). If parents fail to provide emotional support, this failure could impact the child’s ability to learn appropriate behavioral control, which could lead to exhibiting behavior that effects “greater rejection by peers, teachers, and even parents and alienates the child from positive socializing agents” (Johnson et al., 2005, p. 391). Other factors that may affect the child of any role include parents’ physical or psychological wellbeing, including any disabilities or health conditions, and socioeconomic status (Tippett & Wolke, 2014).

Siblings’ characteristics and influences. Although researchers typically exclude siblings from discussions related to bullying—they are specifically excluded from a proposed uniform definition—as part of the mesosystem, there are some influences between siblings that must be examined (Monks et al., 2009, p. 148). Sibling bullying is characterized by destructive conflict that includes “high emotional intensity, coercive resolution or surrender by one child to the demands of the other and is detrimental to the quality of the relationship” (Monks et al., 2009, p. 148). Bowes, Wolke, Joinson, Lereya, and Lewis (2014) suggested that, similar to school bullying, being bullied by a sibling may put children at risk for depression and self-harm in early

adulthood (e1032). Furthermore, harsh parenting behaviors were found to increase the risk of sibling aggression (Tippett & Wolke, 2014). Additionally, in Skinner and Kowalski's (2013) study on sibling bullying, there was a norm of acceptance for this type of behavior.

Family interventions. Successful interventions related to families of bullied children include involvement of the entire family while working on decreasing aggression levels and seeking suitable outlets for power needs (Duncan, 2004). Duncan also recommends presenting parents with alternative ways to discipline their children. Additionally, victims and bully-victims will likely benefit from assertiveness training, learning self-control and unemotional responses to bullying, and opportunities for developing new friendships—in school or through an extracurricular activity, such as a team sport (Duncan, 2004).

Exosystem. This system consists of interrelations between two or more settings, and involves peers, school officials, and the school environment, along with those in the microsystem and mesosystem (Hong & Garbarino, 2012). As such, there is an intersection between some of the actors involved and discussions about them will be detailed next.

Teachers. The potential impact of a teacher's perspectives on bullying cannot be understated. How one defines it, individual experiences with bullying, and personal biases all influence how teachers are able to deal with this problem. Nevertheless, it is important that children report incidents of bullying to their teachers. Cortes and Kochenderfer-Ladd (2014) found that children who have a high quality, trusting, and warm relationship with their teachers are more likely to report bullying behavior (p. 338), and that teachers have the responsibility of creating the positive classroom climate that makes them feel safe to do so. A critical element of creating such an environment involves student perception that a teacher takes reports of bullying seriously, which may develop as a result of the teacher's response to bullying reports (2014). A

teacher may tell the child to ignore the bully, encourage the victim to assert him or herself, separate the bully from the victim, punish the bully, involve parents (2014, p. 337), or any combination of these responses. However, Oliver and Candappa (2007) found that only one-half of students reported being bullied to a teacher or parent, and the percentage decreased in later years. Furthermore, only one-third of the students in their study reported that teachers almost always try to stop bullying in school (Oliver & Candappa, 2007, p. 72). Yet, victimization levels were found to be lowered as children demonstrated greater willingness to report bullying instances to their teachers (Cortes & Kochenderfer-Ladd, 2014). Reduced victimization levels could lead to a more positive classroom and school climate.

School administrators and school climate. Studies have found that school climate has a strong association with bullying reduction (Turner, Reynolds, Lee, Subasic, & Bromhead, 2014; W. Wang et al., 2014; White, La Salle, Ashby, & Meyers, 2014). However, Trach et al. (2010) have claimed that bullying is firmly entrenched within the culture of all schools, with at least one to two victims in a typical elementary classroom (p. 115). In fact, one bully can have a significant influence on the school climate, creating an environment of fear and intimidation, and causing everyone to be affected—including the bully—as the learning process is interrupted (Bosworth et al., 1999, p. 341). School climate has been generally defined as “a multidimensional construct that includes organizational, instructional, and interpersonal dimensions” (White et al., 2014, p. 349). Others have referred to school climate as “the quality and character of school life” (Piscatelli & Lee, 2011; W. Wang et al., 2014, p. 361), but W. Wang et al. (2014) suggested that “school climate can be summarized as the collective beliefs, values, and attitudes that prevail at school” (pp. 361-362). They further posited that schools were meant to be places of community that reflect “the collective experience of students, school

adults, and parents in schools, in addition to their individual experiences and engagement” (p. 362). Moreover, Piscatelli and Lee (2011) of the National School Climate Center indicate that school climate includes “educators [that] model and nurture attitudes that emphasize the benefits and satisfaction gained from learning” (p. 2).

Research has shown that victimized students tend to have less favorable perceptions of school climate (White et al., 2014) and a positive school climate may lead to more healthy and positive relationships that involve less bullying and aggression (p. 350). School administrators can help to improve school climate by setting limits to unacceptable behavior, monitoring and surveilling students, establishing clear consequences for behavioral infractions (Haynie et al., 2001, p. 33), and ensuring that all reports of bullying are investigated and appropriately addressed. Additionally, they can implement self-assessments to guarantee that “schools have safe, equitable, inclusive, challenging and democratically-informed school climates” (Piscatelli & Lee, 2011, p. 8) using data to focus on continuous improvement, as well as celebrating successes where appropriate.

School-level interventions. Sheridan, Warnes, and Dowd (2004) endorse using conjoint behavioral consultation (CBC) to foster collaborative effort between teachers and parents to address a child’s social, behavioral, and academic needs. CBC is rooted in an ecological-systems framework and takes into consideration the interrelations among systems allowing for an integrated assessment of the issues influencing the child. The four-stage model used in CBC includes problem identification, problem analysis, treatment implementation, and treatment evaluation (Sheridan et al., 2004, p. 248). As progress is evaluated throughout these stages, continual collaboration among the home and school systems through joint problem solving is crucial to sustaining progress.

The Bully Busters program, which focuses on the premise that changing the environment is more powerful than changing the individual, also emphasizes getting teachers and school administrators to change how they respond to bullying and fosters peers taking ownership and action to lessen or eradicate bullying (Horne, Orpinas, Newman-Carlson, & Bartolomucci, 2004, p. 299). Each of the eight modules in the program provides details on the importance of the topic, objectives, discussions, and activities for teachers to use with students to increase awareness of bullying, build personal power, recognize bullies and victims, intervene appropriately for bullies and victims, and on learning how to use relaxation and coping skills (Horne et al., 2004). These modules represent the comprehensiveness of the Bully Busters program.

The intervention implemented at the school level that has received the most attention is the Olweus Bullying Prevention Program (OBPP). Developed in 1983 by the noted bullying researcher and professor, Dan Olweus, the primary goals of the OBPP were to reduce existing bully/victim problems among elementary, middle, and junior high school students within and outside of the school setting; prevent the development of new bully/victim problems; and improve peer relations at the school (Limber, 2004; Olweus & Limber, 2010, p. 126). The OBPP is based on core principles that were transformed into interventions at the school, classroom, individual, and community levels (2010, p. 126). Over time, this program has been adapted to fit varying cultural contexts and implemented in several different countries, including the U.S. Outcome studies from implementations in elementary schools in South Carolina, Pennsylvania, Washington, and California found decreases in self-reports of bullying, as well as increases in victims' willingness to report bullying to teachers (Olweus & Limber, 2010, p. 129).

The results are encouraging, but this program has considerable monetary costs that may be challenging for school districts to manage.

Macrosystem. In the 1960s, during an era of extreme violence against African American men, women, and children, Martin Luther King, Jr. (1964), spoke out against the maltreatment stating that, “Morality can’t be legislated, but behavior can be regulated” (28:43) and further reasoned that, “Criminal responses are environmental and not racial” (18:30). The racial hatred—and King’s response—was indicative of the culture in the U.S. at the time for the oppressors and the oppressed. African American adults were able to advocate for themselves, but their children suffered aggression repeatedly by others, who had the intent to harm, and presumably more power over them than their own parents had. As such, they were bullied. The morals and values of the majority culture at the time suggested this type of behavior was acceptable. With passing time, however, civil rights legislation was also passed and attention was placed on enforcing it (“Civil Rights Act of 1964,” 1964).

In cases of school bullying, it is common for large numbers of bystanders to do nothing, and there could be many reasons for lack of involvement. It may not be an issue of societal values being expressed, or that “there is an agreement within society that bullying behavior is normal and acceptable” (Trach et al., 2010, p. 114). Nonetheless, bystanders’ non-intrusive attention may have a reinforcing effect on a bully’s behavior. Bullies, conversely, may be morally disengaged when their behavior is causing harm to others. Each individual should be aware that they are at least partially responsible for their environment—that the small changes made directly around them can have significant impact.

Societal values may determine whether bullying gets attention, or what type of attention it gets. For example, teachers who erroneously believe that bullying is a normal part of

childhood, or it is best to ignore bullying incidents, or that intervening will only exacerbate the situation, or that children will outgrow bullying are not likely to intervene at all absent a serious physical altercation (Horne et al., 2004, p. 309). How a teacher responds to bullying in the classroom may be a reflection of their values of standing up for oneself, self-reliance, or resilience. The values of people in the community are also reflected in their public policies (Erickson, 2013).

Neighborhood and local community environment. Individuals in the microsystem and mesosystem, as well as peers and schools in the exosystem, are positioned within the larger community, and interactions among members of these environments are influenced by the neighborhoods in which they live and operate (Hong & Garbarino, 2012). Garbarino (1977) suggested that research of child maltreatment as a social problem in the U.S. only began in the 1960s, and very few studies of community and neighborhood context were conducted (p. 729). Nonetheless, important factors to consider here are socioeconomic status and safety, which were found to be associated with bullying and victimization, as residents with higher educational attainment experience victimization less frequently in school (Hong & Garbarino, 2012, p. 276).

Another societal influence is evident in the reactions displayed as a result of bullying. The advent of technology for social networking and children's ability to share images and information instantly is no longer dependent on television news media; however, these media make use of individuals' mobile phone pictures and video, as well as Twitter and Instagram messages to broadcast—and promote—more widely on television for those who may not view them online. As a result of bullying, and the devastating and tragic results sometimes owing to it, many individuals and groups have started movements to address this problem. An Internet search on anti-bullying movements returns hundreds of results from small to large organizations.

These discrete attempts to advocate for human and civil rights for children represent a gap in public policy that individuals in society are trying to fill.

Policy as an instrument of change. Legislation that is enacted, regulations that are mandated, or guidelines written to influence desired behaviors or prevent unwanted actions are generally referred to as public policy. However; as with bullying, scholars contend that public policy escapes simple definition. Macionis (2002) proposed simply that public policy is a formal strategy to shape some dimension of social life. Smith and Larimer (2009) more specifically state that public policy is a “product of demand; a government-directed course of action in response to pressure about some perceived problem” (p. 4). Although policies are commonly interpreted as textual constructs, Walton (2010) suggests an alternative construal that policies are systems or processes “of continual negotiation and contestation” (p. 136). This alternate characterization of policy as a process leaves a provision for adjustments to be made as society, and the problems policies were intended to address, undergo organic change.

Federal government’s response to bullying. To promote student achievement, ensure equal access, and reduce liability, the U.S. Department of Education Office for Civil Rights (OCR) issued guidance to schools on the relationship between bullying and discriminatory harassment, and explained the anti-discrimination statutes enforced by OCR and schools’ obligations under them (Ali, 2010). These include Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, or national origin; Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex; and Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990, which prohibit discrimination on the basis of disability. These are laws that partially and indirectly relate to bullying.

However, according to Greene (2015), a psychologist and expert witness involving peer-to-peer school-based harassment, the government is engaging in deliberate indifference, and that the federal liability standard for discriminatory harassment is tougher than most realize. He further indicated that many people in America “believe that taking legal action in federal court against a school district can effectually accomplish two ends: retribution for the school or school district and enhancement of the school district’s efforts to prevent bullying & improve school climate” (p. 29), but he indicated that such beliefs were mainly exaggerated. Moreover, a confounding factor is that peer sexual harassment is common and largely concealed among young people. Furthermore, there is a lack of adults that actively call attention to this problem as it occurs. The passive and negligent behavior adults exhibit toward peer sexual harassment often results in self-accusation and promotes normative inequalities (Greene, 2015, p. 29).

Bullying and state law. All 50 of the U.S. states currently have an anti-bullying law with school safety presumably motivating enactment of the legislation (U.S. Department of Health and Human Services, 2017). What is not clear is how bullying is defined, and for whom these laws were written. Research suggests that at least some of these laws were largely a reactionary response (Hart, 2004-2005).

Chapter Summary

Systematic research on bullying began in the 1970s. Since then, bullying concepts, variations, and definitions have been studied extensively by researchers in the psychology, education, sociology, medical, law enforcement, and legal disciplines using various study methods and variations on the definition. The results of those studies are consistent: bullying, including cyberbullying, is a serious social concern that puts youth at risk for poor academic

performance, physical danger and psychosocial maladjustment, low earning potential, and future violence—including homicide and suicide.

Due to the pervasive and pernicious nature of this problem, the social-ecological theoretical framework was used to consider the interrelated influences involved in each of the micro-, meso-, exo-, and macrosystems. Within the microsystem, bullies, victims, bully-victims, and bystanders were discussed. In the mesosystem, family interactions and their influences were detailed. The influences of the exosystem, which includes peers, teachers, school administrators, and school climate, were included. Finally, elements in the macrosystem that influence all other contexts, including laws enacted to prevent bullying, were described.

It is clear that the advocates for bullying prevention policies are making an investment in children's physical, psychosocial, academic, and economic future. Numerous interventions have been implemented with varying degrees of success, yet the problem still remains. Policies, including laws and regulations surrounding this issue, appear to be reactive and shortsighted. A desire to identify and understand the key components of existing U.S. state statutes and regulations through use of a comprehensive framework led the researcher to conduct this study.

Chapter Three: Methods

The purpose of this study was to explore bullying prevention laws of 10 U.S. states that were passed over a period of 16 years to identify shared and disparate factors among them, as well as to verify the extent to which each gives attention to cyberbullying. As a multidimensional social problem with interactions occurring in multiple environments, this study compelled the use of a comprehensive framework to examine it in various contexts (Swearer & Espelage, 2004). For this study, a social-ecological perspective was used, allowing the researcher to frame anti-bullying legislation within community and cultural contexts with the intention of informing policy makers on topics that warrant their further attention.

The objectives guiding this study were:

1. To determine the similarities and differences between the anti-bullying laws and regulations of selected U.S. states enacted over a period of 16 years.
2. To determine the extent to which the selected U.S. state statutes and regulations address cyberbullying.

Research Design & Role of the Researcher

This study involved examining and analyzing the text of existing bullying prevention legislation for emerging concepts, themes, and patterns through inductive data analysis (Creswell, 2009, p. 175). Fundamentally, a qualitative approach was used through which the researcher was the instrument for data collection and examination in exploring the language of laws to gain contextual understanding with particular attention to how cyberbullying was addressed (Bryman, 2008, p. 392; Creswell, 2009, p. 175). Using qualitative methods, the researcher discovered how legislators of different U.S. states address bullying for their constituencies, which may reveal how the values of those populations, societal attitudes toward

bullying behaviors, and cultural mores—which influence bullying behavior in the macro system—are reflected in them (Swearer & Espelage, 2004). Although some critics of qualitative research assert that the resulting reports at times lack clarity, this study may be classified as descriptive, as it systematically described a phenomenon and provided detailed information about the laws being investigated through in-depth content analysis (Bryman, 2008; Kumar, 2011, p. 13). This method of inquiry was compatible with and most appropriate for achieving the research objectives (Maxwell, 1996).

Bullying has existed on school grounds for ages, and before entering middle school most students will have been exposed to it in some form, as either bully, victim, or bystander. In fact, the researcher's first exposure with bullying was as a bystander/observer during the first week of kindergarten. On the fourth day of school for a group of approximately 15 children, who were already becoming accustomed to each other and the new role as students, a new classmate arrived. She did not join the group at the beginning of class on that day, but in the middle of a lesson, thereby gaining predictably heightened attention. In addition to the mid-morning arrival, our new classmate appeared disheveled and smelled of urine. Uncombed hair and dirty clothing aside, the scent of urine caused a few in the class to taunt her aloud and others to laugh along with them. However, the researcher perceived that her five-year-old peer felt humiliation and was compassionately embarrassed for her. The thought that her mother had not given her a bath or combed her hair came to mind, and it was the beginning of the researcher's understanding that children can be cruel to other children without consideration for their circumstances—even when they are beyond a victim's control. Over time, this classmate became very defensive and aggressive toward her bullies and eventually, in her teen years, became known as a bully, who acted out negatively in many ways throughout her lifetime. Her victimization occurred in

various contexts, presumably before she was even introduced to school, and having witnessed this experience; it has had a profound impact on the researcher, to some degree influencing a lifelong commitment to advocacy for children who are victims of physical and emotional abuse and neglect. While this incident occurred prior to the formal study of bullying and its effects on children, it nonetheless illustrates that damage can be done when it is allowed to continue freely. Consequently, the researcher believes that appropriate and effectively implemented policies may have resulted in better outcomes for everyone involved and may have also prevented the negative trend in this child's behavior.

This narrative represents the researcher's advocacy/participatory philosophical worldview, which "holds that research inquiry needs to be intertwined with politics and a political agenda" (Creswell, 2009, p. 9), and further maintains that "issues such as empowerment, inequality, oppression, domination, suppression, and alienation" (p. 9) are important social issues for research focus. The researcher acknowledges that past experiences and her philosophical worldview had the potential to influence interpretation of research findings. In part, those experiences drove the researcher's desire to conduct this study. Moreover, the researcher concedes the axiological assumption that closely held values regarding child advocacy were present, and biases about what should have been included in the language of anti-bullying laws (Creswell, 2013, p. 21) did exist—in favor of bullying victims. However, consistent with established qualitative research practices, any biases in the interpretation of legal documents were made transparent, and details regarding the bullying prevention laws examined were reported objectively.

Sources of Data

Qualitative research typically involves data from multiple sources, which is then systematically reviewed, interpreted, and organized into themes for reporting (Creswell, 2009). The sources of data for this study were public legislative documents from 10 selected U.S. states, which were available through virtual access on the Internet, and considered secondary documentary data sources. Advantages of using secondary sources included minimized cost of data gathering, as sources were readily available (Stewart & Kamins, 1993), as well as time efficiency.

Target Population and Sampling Method

Each U.S. state's legislative body has the power to make law, and through this study, the researcher sought to understand if there was variation among the bullying prevention laws and regulations between states; to what extent there was variation on key components; and if the laws addressed the cyberbullying phenomenon. Therefore, the target population for this study was U.S. states with bullying prevention legislation. The StopBullying.gov website reported that all 50 U.S. states had anti-bullying legislation (U.S. Department of Health and Human Services, 2017). Each state's legislation was accessible, which meant the sampling frame was all U.S. states, and the researcher sampled from this population.

Consistent with the research objectives, purposive sampling was used. This method of sampling, which is common in qualitative research, involved selecting cases that were relevant to achieving the research objectives (Bryman, 2008, p. 415). Therefore, this study sampled U.S. state bullying prevention laws using two parameters (Creswell, 2013): U.S. region, and timeframe, based on year originally enacted. Specifically, heterogeneity sampling was used to examine laws from states in diverse parts of the U.S., as well as those passed at various points in

time. There was a span of 16 years between the first state law enacted to address bullying prevention and the 50th, and the researcher believed this factor was important to consider. This time period was undoubtedly marked by sizable shifts in macrosystems and, therefore, it was assumed that significant cultural changes developed. In particular, the use of mobile electronic devices to participate in cyberbullying through social media and other apps has intensified over time, and this phenomenon has outpaced legislation to address its proper use and effect on children and society as a whole. Moreover, as shown in Figure 5, there are several years in which clusters of states enacted bullying prevention laws. In certain years near the end of the period, no anti-bullying laws were passed; therefore, those years are not listed.

1999	2001	2002	2003	2004	2005	2006
Georgia	Colorado Louisiana Mississippi Oregon West Virginia	Connecticut New Jersey Oklahoma Washington	Arkansas California Rhode Island	Vermont	Arizona Indiana Maryland Virginia Texas Tennessee Maine Nevada	South Carolina Alaska New Mexico
2000						
New Hampshire						
2007	2008	2009	2010	2011	2012	2015
Delaware Iowa Illinois Kansas Minnesota Ohio Pennsylvania	Nebraska Kentucky Utah Florida	North Carolina Wyoming Alabama	Massachusetts Wisconsin New York Missouri	North Dakota Hawaii Michigan	South Dakota	Idaho Montana

Figure 5. U.S. states by year of initial bullying prevention law enactment.

The desired sample size was 10 U.S. states, representing 20 percent of the sampling frame. This sample size was reasonable for meeting the study's objectives and for keeping the available study resources manageable. The 10 states with bullying prevention laws included in the analysis were selected from different points in time. As previously noted, in certain years, several states passed anti-bullying laws. Yet, for this study, it was not desirable to analyze two

or more laws passed within the same year. The first and last states to enact bullying prevention legislation were included in the study. The remaining eight states were chosen in intervals of approximately two years. Additionally, states were selected from various geographic areas of the U.S. To accomplish this, the researcher utilized the standard Federal regions of the U.S., formally established by the Office of Management and Budget (Office of Management and Budget, 1974) and shown in Figure 6. One state was selected from each of the 10 regions for inclusion in the sample, rather than multiple states from any one geographic area. Figure 7 shows the selected states by region and by year of initial bullying prevention law enactment. Using this sampling strategy allowed the researcher to systematically study laws from various parts of the country. Laws for inclusion in the study were also chosen at different points in time over a span of 16 years; however, the researcher understood that bullying prevention laws enacted in previous years would have been modified over time. For the purposes of this research, only the current state bullying prevention laws were studied. In Figure 8, the selected states are displayed on a timeline by year the initial bullying prevention law was passed.

Region I	Region II	Region III	Region IV	Region V
Connecticut Maine Massachusetts New Hampshire Rhode Island Vermont	New York New Jersey	Delaware Maryland Pennsylvania Virginia West Virginia	Alabama Florida Georgia Kentucky Mississippi North Carolina South Carolina Tennessee	Illinois Indiana Michigan Minnesota Ohio Wisconsin
Region VI	Region VII	Region VIII	Region IX	Region X
Arkansas Louisiana New Mexico Oklahoma Texas	Iowa Kansas Missouri Nebraska	Colorado Montana North Dakota South Dakota Utah Wyoming	Arizona California Hawaii Nevada	Alaska Idaho Oregon Washington

Figure 6. Standard Federal regions established by the Office of Management and Budget.

State	Standard Federal Region	Year Passed
Maine	I	2005
New York	II	2010
West Virginia	III	2001
Georgia	IV	1999
Michigan	V	2011
Louisiana	VI	2001
Kansas	VII	2007
Montana	VIII	2015
California	IX	2003
Washington	X	2002

Figure 7. Selected states by standard Federal region and year bullying prevention law was initially passed.

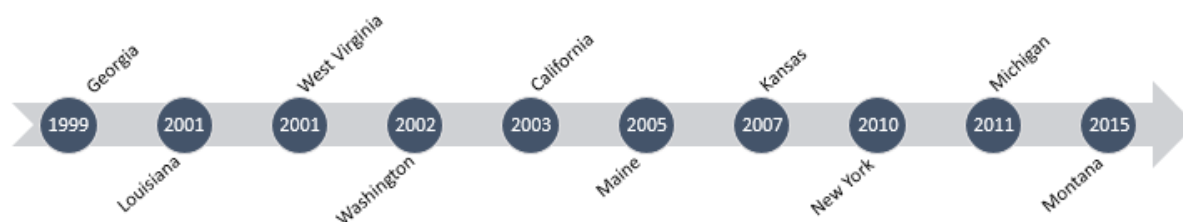


Figure 8. Timeline of bullying prevention law for selected U.S. states by year of enactment.

Data Collection Strategies and Procedures

For this study, the units of analysis are the actual bullying prevention laws of the 10 selected U.S. states. Collection of data began by visiting the StopBullying.gov website, where an existing list of the laws related to bullying for each selected state exists along with links to the text of the laws for those states. However, the researcher also visited each of the selected states' official websites using the name of the state followed by .gov (e.g., georgia.gov) in the address bar of the web browser application to locate the source of legislation and to confirm that the law listed at StopBullying.gov was accurate. The researcher located and used the search feature on the selected states' websites to search for laws using the state name followed by the word *code* (e.g., Georgia code) as search terms. The laws found at StopBullying.gov related to hazing were

deemed outside the scope of the study and omitted. Furthermore, for one state, an additional law was referenced in one of the bullying laws and included as related to cyberbullying.

Additionally, the *LexisNexis* database was used with search strings including the name of the state and *bullying* as search terms as a reliable source for the text of each state's legislation.

Once the text of a U.S. state bullying prevention law was located online, the file was downloaded and saved on the researcher's computer for storage and further use. The researcher created a separate electronic folder for each state to keep documents well organized, as some states had many pieces of legislation related to bullying prevention. Furthermore, a separate electronic folder was created for the *LexisNexis* documents, which initially downloaded in one word processing document file, but that the researcher later split up into separate documents by state within the *LexisNexis* folder. All electronic documents were backed up on an external hard drive, as well as a portable flash drive to ensure data reliability and availability in the event of any storage method's failure, and to maintain accessibility without relying on an Internet connection. For added confidence, the portable flash drive was stored separately from the laptop and external hard drive.

The researcher printed each states' legislative documents to support the review process and facilitate document review when a computer or power source was unavailable. All printed matter was organized into separate physical folders that were labeled for simplified document retrieval and improved transport. Furthermore, all electronic and printed data was retained for the duration of the study.

Initial data for this study were collected over a period of two weeks. This timeframe was sufficient to complete data collection, as this study was of secondary sources that were available through Internet searches. Nevertheless, the initial search of state websites was supplemented

with an additional search and retrieval from the *LexisNexis* database for the language of the laws, and these data were collected in one day.

Tools/Instruments Used

The researcher developed an electronic spreadsheet file to facilitate organization of reflective notes being recorded about the source documents. Headings were entered that served as categories, including source web address, date of review, state, code and section of law, name, and date of legislation. The researcher used these reflective notes to organize supporting information that proved to accelerate progress toward completion of data analysis. Additional sheets in the file were later used to keep notes on frequency of coded instances and to facilitate charting of numeric data.

Human Subjects Considerations

The Graduate and Professional Schools Institutional Review Board (IRB) requires that all research attributable to generalizable knowledge be reviewed to ensure protection of human subjects' rights as required by Federal, State, and local laws ("Graduate and Professional Schools IRB," n.d.). This study did not involve any interaction with human subjects and the necessary application was filed with the University and approval was obtained for this non-human subject research. A copy of the University approval is presented in Appendix B.

Analysis Process

The researcher used Creswell's (2013) data analysis spiral, to analyze the legislation from the 10 selected U.S. states. This process involved organizing the data, reading and documenting field notes, describing, classifying, and interpreting data into codes and themes, interpreting the data, and representing and visualizing the data (pp. 182-187).

The data used in this study was the text of bullying prevention legislation. Each legislative document was saved as a text file and imported into *HyperRESEARCH*, a software program used to support qualitative analyses and coding processes. As data from each selected state was entered, the researcher coded the data beginning with a pre-established codebook representing literature-based bullying prevention components that was strengthened through identifying dominant and recurring themes, and by clarifying terms during the process. The researcher read and re-read the text of the legislation multiple times and entered relevant field notes into the data collection spreadsheet tool.

The language of the laws was extensive; therefore, the researcher sought to effectively gather the summative, salient, essence-capturing, and evocative attributes from those laws (Saldaña, 2009, p. 3) to capture the significant elements of the legislative text through a series of coding procedures that helped the researcher complete “the transitional process between data collection and more extensive data analysis” (Saldaña, 2009, p. 4). The researcher gained an understanding of the commonalities and differences between bullying prevention laws of U.S. states in diverse regions.

Means to Ensure Validity

When considering qualitative research, validity must be conceptualized differently than with quantitative studies (Bryman, 2008; Creswell, 2013; Kumar, 2011). Creswell (2013) suggests that “many perspectives exist regarding the importance of validation in qualitative research, the definition of it, terms to describe it, and procedures for establishing it” (p. 244) and that perspectives and terms must translate into strategies for implementation in qualitative studies. The researcher sought to perform high quality research for this study; therefore, as

recommended by Creswell (2013), specific techniques for ensuring validity were used, beginning with including a researcher from the legal community on the research committee.

This study's objectives involved exploring existing documentation for common elements and themes related to bullying prevention legislation. To help ensure the validity of the content used for review in this study, the researcher attempted to secure only documents indicated as official by U.S. state websites to be used for analysis. However, it became necessary to rely on the *LexisNexis* external database as a source for legislative text, as it was deemed to be a source used by law students for authentic text of the law, when the laws accessed from certain state websites specifically indicated the text was unofficial. The source documents retrieved from state websites was then compared using the legal blackline feature of an electronic word processor to ensure there were no major discrepancies between them. The comparisons resulted in a third document that showed only minor differences in the content, such as a number spelled out using text, rather than using the Arabic numerals found in the other document. The contextual meaning of the laws between documents obtained through the *LexisNexis* database and the state website sources was determined to remain the same.

Weber (1990) put forward that "validity problems also grow out of the ambiguity of word meanings and category or variable definitions" (p. 15). Since the researcher did not have a background in law, a law dictionary was used to help the researcher understand unfamiliar legal terms and to ensure clarity of meanings throughout the analysis. *Black's Law Dictionary* was identified as the reputable standard for the legal profession; therefore, the researcher utilized the most current edition to assist with understanding legal language (Morris, Sales, & Shuman, 1997). Additionally, American Digest System's online legal dictionary and encyclopedia were used when it was not feasible to use the complete *Black's Law Dictionary*. Reliance on support

from these trustworthy sources provided the researcher with a means of adding validity to the data being analyzed.

Moreover, code definitions were clearly articulated, engaging in what Creswell (2013) describes as “rich, thick descriptions” (p. 252) of the themes involved, and detailed explanations of the laws being examined were provided using this strategy. Additionally, as previously noted, the source documents were coded multiple times by the researcher considering Glaser’s constant-comparison method (Corbin & Strauss, 2008), and incorporating these practices served to enhance the credibility and objectivity of the study and the reported findings.

Report of Findings

The findings of the content analysis performed are presented in Chapter Four. The subject matter is organized around the conceptual framework and the main categories identified throughout the data analysis (Creswell, 2013). The findings include direct quotes from the laws and are supplemented using tables and graphs to enhance the narrative, simplify sharing of details from numerous documents, and help the reader gain understanding through visual means (Kumar, 2011).

Chapter Four: Findings

This research focused on two objectives: to discover the similarities and differences between the bullying prevention laws and regulations of 10 selected U.S. states, and to determine the extent to which each of these states' laws and regulations specifically addressed cyberbullying. This chapter provides the findings from the qualitative analysis performed on those laws and regulations. The discussion will first present the coding process results, and then general observations regarding similarities and differences of the laws and regulations reviewed. Finally, a more in-depth comparison and contrast of the relevant content is presented using the conceptual framework, as well as discoveries regarding the extent to which states' laws and regulations address cyberbullying.

Overall Coding Results

Textual analysis began with 123 bullying prevention laws and regulations of 10 states; however, seven laws related to hazing were removed from the study to maintain consistency with meeting the research objectives. Finally, a total of 116 laws and regulations were reviewed and coded using an iterative process. The initial codebook was improved by removing superfluous codes, adding and modifying others, and adjusting the categories and sub-categories that emerged. Thus, the coding scheme became stabilized after analysis of each statute or regulation had been completed multiple times using Glaser's constant-comparison method (Corbin & Strauss, 2008). The final codebook included 30 words or phrases that were used to code the 116 laws and regulations (see Figure 9).

To better achieve the research purpose, discussion of the codes is organized by systems in the conceptual framework: macrosystem, exosystem, mesosystem, and microsystem. Within these systems, thematic categories resulting from the coding process are used for further

delineation. To begin the discussion, however, some general observations regarding similarities and differences by state are presented.

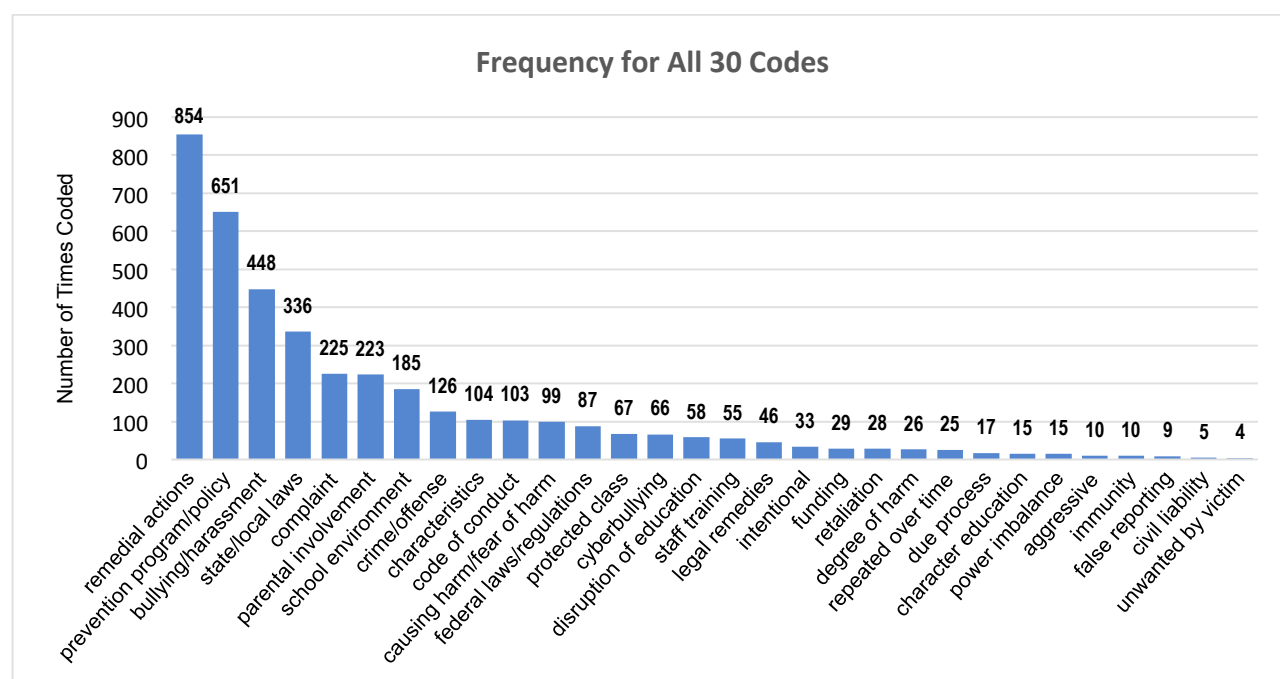


Figure 9. Frequency of use of the 30 codes ranked from greatest to least number of uses.

General Observations

All of the states included in the study had references to schools and education. In fact, those terms occurred among all sources with the highest and fifth highest frequency, respectively. Each of the 10 states had related statutes from their Education Code. Furthermore, a simple word count also revealed that these statutes were predominantly directives, as the word *shall* was the second most frequent among all laws, used mainly in the context of indicating that the departments of education, school boards, school districts, and schools would be responsible for executing the instructions as prescribed therein.

During the document review, it became apparent that certain states' laws and regulations were written with more straightforward construction and simpler terms, while others used lengthy passages with several levels of enumerated items and terminology that required a legal

dictionary to understand. Moreover, one of the most obvious differences among the states selected was the volume represented by number of separate statutes or regulations enacted, and sections within them, to address bullying. There is wide variation between the states related to this issue. As displayed in Figure 10, which provides a graphic depiction of the data related to these descriptive statistics, California ranks highest with a total of 59 laws and regulations related to bullying, and Kansas ranks lowest with only two to address the phenomenon.

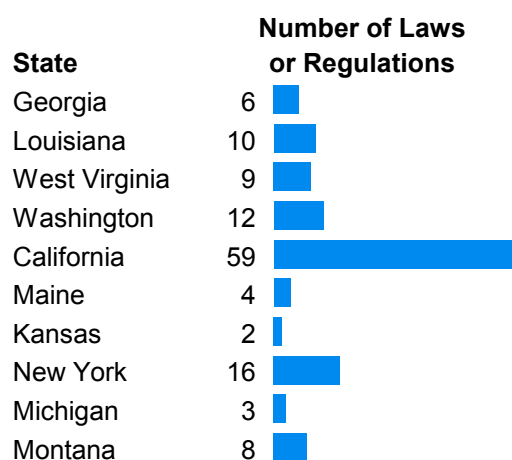


Figure 10. Selected states in chronological order by year initial bullying legislation passed, and number of laws or regulations related to bullying.

The total number of laws, regulations, and codes, does not help a reader understand their contents and associated meanings. Furthermore, it is important to note that several law sections were short. In some cases, the section contained only one short paragraph. However, a deeper investigation revealed more meaningful information about the body of laws and regulations overall, as well as variation and likenesses between individual laws and regulations.

How States Define Bullying

Researchers have emphasized the importance of clear definitions to identify phenomena such as bullying (Furlong et al., 2003; P. K. Smith, 2004; Stassen Berger, 2007), and legislators have a responsibility to accurately define what constitutes law and infractions of it (Cornell &

Limber, 2015). This study seeks to gain an understanding of how state anti-bullying laws and regulations protect children from bullying. Fundamentally, how this construct is defined in state statutes and regulations warrants distinct consideration. What follows is a discussion of the key findings on the states' treatment of bullying definitions in their laws and regulations.

Defining characteristics of bullying. All of the states included in the study contained expressed definitions of bullying. However, none of the states incorporated all of the elements included in the research-based definition proposed by Olweus (1993). The following characteristics that define bullying are important to the research community in general, and this study in particular:

- Causing harm or fear of harm / Aggressive
- Intentional
- Repeated over time
- Power imbalance
- Unwanted by victim

These characteristics were used to code the definitions of bullying, and the summary of results is displayed in Figure 11. Next, the incidence of these specific characteristics, as well as other distinguishing terms found in the analysis will be discussed in more detail.

Causing harm or fear of harm/aggressive. Although the term *aggressive* was entered separately in the original codebook, these two characteristics were grouped due to prevalence found in the language of the laws and rules. Only four states, Louisiana, Maine, New York, and West Virginia referred to bullying using the term *aggressive*, yet all states incorporated language referring to causing harm, or the fear of harm. Among all of the defining elements of bullying, this characteristic was referred to most frequently, as shown in Figure 12.

State	aggressive	causing harm or fear of harm	intentional	repeated over time	power imbalance	unwanted by victim	Totals
Georgia	0	32	11	3	0	0	46
Louisiana	2	11	5	7	1	0	26
West Virginia	2	4	2	2	0	0	10
Washington	0	10	4	2	2	1	19
California	0	15	4	5	10	3	37
Maine	2	6	2	0	0	0	10
Kansas	0	4	1	1	0	0	6
New York	4	5	0	0	0	0	9
Michigan	0	4	1	0	0	0	5
Montana	0	8	3	3	0	0	14
Total Code Uses	10	99	33	23	13	4	182
# States Using Code	4	10	9	7	3	2	

Figure 11. States and the number of code uses by defining characteristic.

Georgia, Kansas, and Washington laws refer only to physical harm to a person or personal property, while all of the remaining states also incorporate emotional harm or detrimental mental health effects in their legal definitions of bullying and harassment. Importantly, certain statutes include clauses that refer to a *reasonable person*, which *Black's Law Dictionary* (2014) defines as

A hypothetical person used as a legal standard... specif., a person who exercises the degree of attention, knowledge intelligence, and judgment that society requires of its members for the protection of their own and others' interests. The reasonable person acts sensibly...." (p. 1457)

Consequently, certain states' laws do use this legal standard, and thereby maintain ability to moderate determinations of what constitutes harm, and therefore, what constitutes a victim. As an example, California law makes the qualifying stipulation that certain behaviors have one or more of the following effects:

(A) Placing a reasonable pupil or pupils in fear of harm to that pupil's or those pupils' person or property.

(B) Causing a reasonable pupil to experience a substantially detrimental effect on his or her physical or mental health.

(C) Causing a reasonable pupil to experience substantial interference with his or her academic performance.

(D) Causing a reasonable pupil to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by a school. (Cal. Educ. Code § 48900(r))

Similar phrasing appears in Georgia’s bullying prevention law; however, Louisiana has a different requirement, referring to behavior that would have the effect of “placing the student in reasonable fear of physical harm,” or “reasonable fear of damage to the student's property” (La. Rev. Stat. Ann. § 17:416.13). Montana has a similar provision, while Kansas, Maine, Michigan, and West Virginia include similar passages of both of these specifications. Moreover, Washington law provides a definition of a reasonable person that includes characteristics relative to the offender and the victim (Wash. Rev. Code Ann. § 9A.36.080(3)).

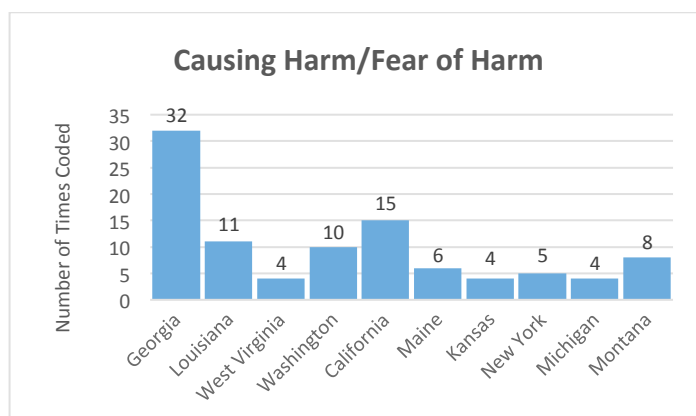


Figure 12. Number of causing harm or fear of harm codes by state.

Conversely, some states put the standard of reasonableness on one who might be an offender. For example, in its definition of bullying and the resulting harm, West Virginia law states that, “A reasonable person under the circumstances should know will have the effect of any one or more of the following” (W. Va. Code Ann. § 18-2C-2). Furthermore, Maine legislation specifies bullying as behavior that “has, or a reasonable person would expect it to have, the effect” (Me. Rev. Stat. Ann. tit. 20-A, § 6554) of causing harm to another individual.

Moreover, references to the damaging effects bullying and harassment create in a victim's learning environment are also evident in all but Michigan's laws. There is consistent use of the phrase *intimidating or threatening* to refer to the educational environment created by acts of bullying. However, additional terms used to describe it include "hostile" and "offensive" (Cal. Educ. Code § 212.5; N.Y. Educ. Law § 11), "intimidating or hostile" (Me. Rev. Stat. Ann. tit. 20-A, § 6554), "abusive" (Kan. Stat. Ann. § 72-8256), and "emotionally abusive" (La. Rev. Stat. Ann. §17:416.13).

Degree of harm. Respecting language from the Davis v. Monroe County Board of Education (1999) Supreme Court ruling of a sexual harassment case, nine of the 10 states make references to a degree of harmful behavior related to bullying. Maine is the only state that does not require bullying to meet a degree of harm threshold in its legal definition. Michigan law specifies that behavior must have a "substantial detrimental effect on a pupil's physical or mental health" (Mich. Rev. School Code Ann. § 380.1310b(10)(c)(i)). The remaining eight states' definitions state that bullying is conduct characterized as *severe* or *pervasive* (W. Va. Code Ann. § 18-2C-2). Moreover, California and Georgia laws indicate that bullying behaviors relate to *substantial* effect on the victim (Cal. Educ. Code § 48900(r); Ga. Code Ann. § 20-2-751.4). This factor, and the contexts about which it is used, are significant in the theoretical framework and will be detailed in a separate section.

Intentional. This is the second most frequent characteristic of bullying found in the laws. In fact, New York is the only state in the study that does not refer to bullying as an intentional act. In some cases, however, this meaning is inferred from the actual language of the law or regulation. For example, Georgia law uses both *willful* and *intentional* (Ga. Code Ann. § 20-2-751.4) in defining bullying, while Louisiana lawmakers chose a reference to "willful intent" (La.

Rev. Stat. Ann. §17:416.13), and California law specifies this defining characteristic as behavior harming another student or students (Cal. Educ. Code § 48900(r)(1)).

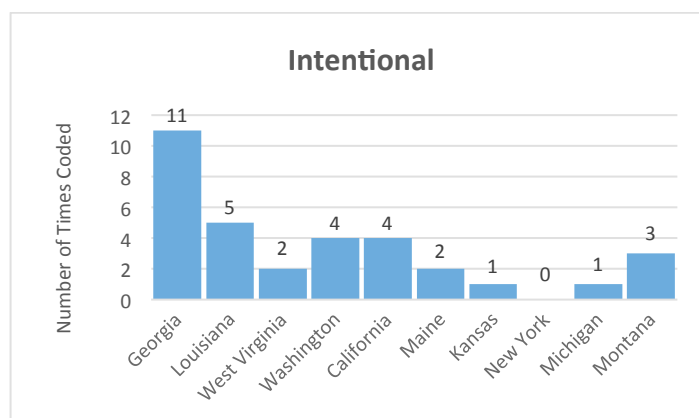


Figure 13. Number of intentional codes by state.

One noteworthy clause relating both to this defining characteristic and what will be covered next is that in Louisiana law, bullying includes, “Repeatedly and purposefully shunning or excluding from activities” (La. Rev. Stat. Ann. § 17:416.13). Louisiana is the only state that refers to the term *purposeful* in identifying bullying behavior, and also the only state to refer to this relational behavior in its bullying definition.

Repeated over time. The term *persistent* meets the criteria for this defining characteristic, and seven states include this term in their descriptions of behavior that constitute bullying. Notably, Montana includes both *persistent* and *repeated* behavior in their law (Bully-Free Montana Act, 2015). Moreover, Louisiana law uses *pattern* in defining bullying, which implies repeated behavior, but is also stated specifically related to shunning, as previously discussed (La. Rev. Stat. Ann. § 17:416.13). The bullying prevention laws of Maine, Michigan, and New York contain no mention of this defining characteristic, as revealed in Figure 14.

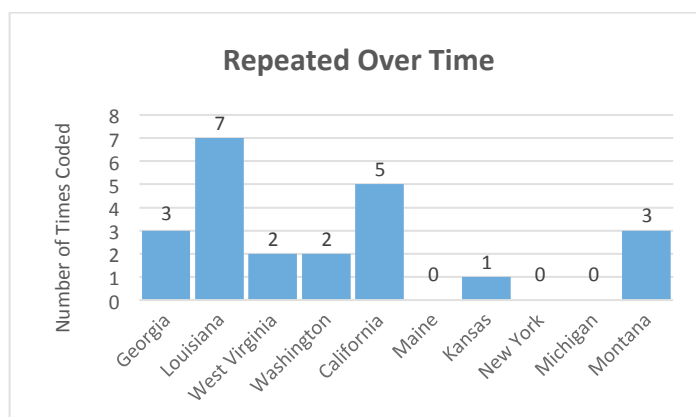


Figure 14. Number of repeated over time codes by state.

Power imbalance. None of the states referred specifically to a power imbalance related to bullying; however, this meaning was inferred by references in the context of sexual harassment. This can be seen in sections of the California Education Code and California Code of Regulations, which state that, “submission to the conduct is explicitly or implicitly made a term or a condition of an individual's academic status, employment, or progress” (Cal. Educ. Code § 212.5), and “submission to, or rejection of, the conduct by the individual is used as the basis of academic or employment decisions affecting the individual” (Cal. Code Regs. tit. 5, § 4916), suggesting that one has power over another’s academic success, access to academic resources, or “benefits and services, honors, programs, or activities available at or through the local [educational] agency” (Cal. Code Regs. tit. 5, § 4916). Washington law has similar expressions. As Figure 15 illustrates, the variance of number of references between states is significant and may be explained by the variance in total number of laws among states. The high number of references to this characteristic in California’s laws signifies attention to particularizing in the sexual harassment definition among one law and one Code of Regulations.

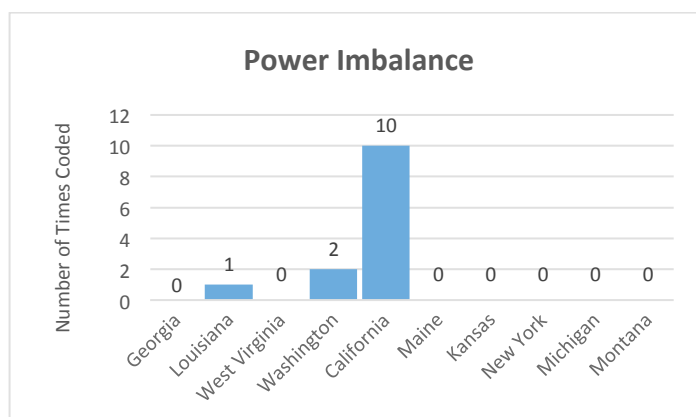


Figure 15. Number of power imbalance codes by state.

Unwanted by victim. As shown in Figure 16, Washington and California were the only states to explicitly incorporate this factor into their laws. The references are included in definitions of sexual harassment, as “unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact, or other verbal or physical conduct or communication of a sexual nature between two or more individuals...” (Wash. Admin. Code 392-190-056(1)). However, the California Education Code adds that the advances must be “made by someone from or in the work or educational setting” (Cal. Educ. Code § 212.5), and under the specific conditions also identified as a power imbalance. Furthermore, the California Code of Regulations outlines provisions for verbal sexual harassment to include unwelcome epithets, comments, or slurs of a sexual nature” (Cal. Code Regs. tit. 5, § 4916).

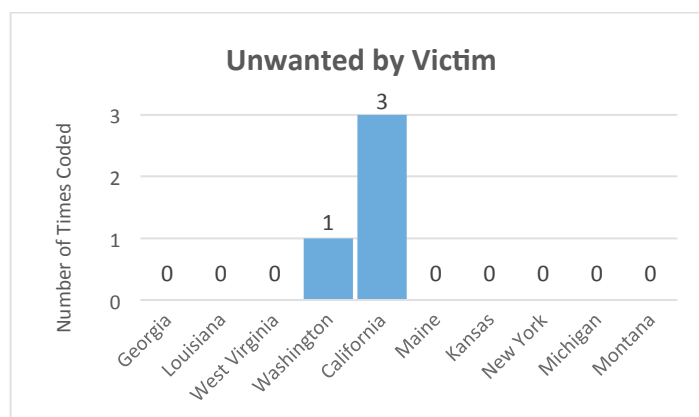


Figure 16. Number of unwanted by victim codes by state.

Other definitional findings. With the exception of New York, all states specifically indicate that bullying may be a written act. Furthermore, although the states' laws provide definitions of bullying, they also have clear descriptions of harassment and sexual harassment. Since harassment and sexual harassment also represent bullying behavior, and are referred to as bullying in comprehensive definitions by the laws in this study, these concepts were determined to be elements of bullying. Additionally, all states indicate that bullying behaviors or methods may include, but are not limited to, something specifically listed. Moreover, certain states, such as Kansas, made provisions for extending the definition of bullying to "any other form of intimidation or harassment prohibited by the board of education of the school district in policies concerning bullying" (Kan. Stat. Ann. § 72-8256). However, references to definitions beyond the state statutes and regulations were not within the study's scope.

While certain states had separate laws for definitions that included bullying, such as Georgia, Maine, Montana, New York, and West Virginia, (Bully-Free Montana Act, 2015; Ga. Code Ann. § 20-2-751.4; Me. Rev. Stat. Ann. tit. 20-A, § 6554; N.Y. Educ. Law § 11; W. Va. Code Ann. §18-2C-2), others included them within related statutes, such as the code of conduct in Louisiana (La. Rev. Stat. Ann. § 17:416.13), or a policy prohibiting bullying, such as in Michigan and Washington law (Mich. Rev. School Code Ann. § 380.1310b(8)(b); Wash. Rev. Code § 28A.300.285). However, California law, which contains the greatest number of statutes and regulations, has individual statutes for defining hate crimes (Cal. Pen. Code § 422.55-57), sexual harassment (Cal. Educ. Code § 212.5; Cal. Code Regs. tit. 5, § 4916), as well as personal characteristics, nationality, race and ethnicity, religion, gender, and sexual orientation (Cal. Educ. Code §§ 210.2; 210.7; 212; 212.1; 212.3; 212.6). Nevertheless, the definition for bullying

is within the Education Code chapter on pupil rights and responsibilities under Article 1, Suspension and Expulsion (Cal. Educ. Code § 48900).

Finally, many of the states' laws expressed that bullying also includes cyberbullying. An objective of this study is to understand the extent to which state bullying prevention laws address cyberbullying. Therefore, what follows is a more in-depth discussion of how cyberbullying was defined in these laws.

Defining Cyberbullying

All 10 states recognize cyberbullying as a problem that must be addressed through legislation and have established legal definitions with varying degrees of specificity. Coded instances in this discussion include references to acts of bullying using electronic means, as well as the word *cyberbullying*. The total number of these coded instances in each state's laws or regulations ranges from two to 13 times, with two states totaling 12 instances each; however, it is also important to note that some of these mentions are related to topics beyond the definition of cyberbullying. Nonetheless, the frequency of these references by state is summarized in Figure 17.

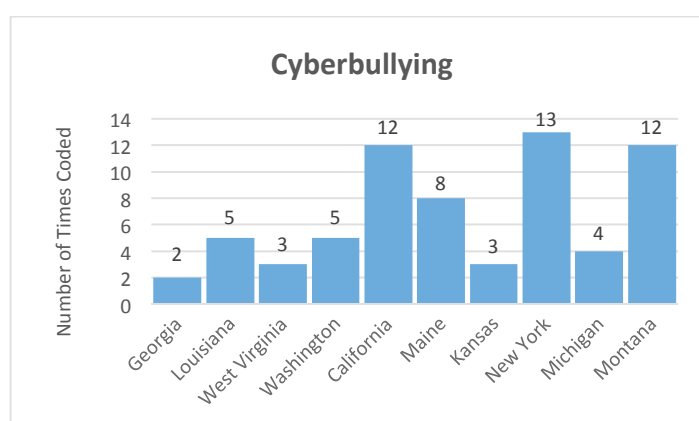


Figure 17. Number of cyberbullying codes by state.

Gaining an understanding of the degree to which state anti-bullying law address cyberbullying, and clarity about states' cyberbullying definitions is essential to this study. Therefore, the cyberbullying definition for each state will be presented individually to allow for better comparison and contrast among these laws.

Georgia. The Georgia law that contains the bullying definition also contains two references to cyberbullying, stipulating that it involves acts

which occur through the use of electronic communication, whether or not such electronic act originated on school property or with school equipment, if the electronic communication (1) is directed specifically at students or school personnel, (2) is maliciously intended for the purpose of threatening the safety of those specified or substantially disrupting the orderly operation of the school, and (3) creates a reasonable fear of harm to the students' or school personnel's person or property or has a high likelihood of succeeding in that purpose. (Ga. Code Ann. § 20-2-751.4)

Thus, Georgia legislators specify that the environment of cyberbullying may extend beyond school grounds. They also qualify the intent of the behavior, as well as requiring behavior to meet the *reasonable* standard for creating fear of harm to person or property.

This definition is further clarified by specifying that “electronic communication includes but is not limited to any transfer of signs, signals, writings, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo electronic or photo optical system” (Ga. Code Ann. § 20-2-751.4). The terms used are generic; however, they allow for device adaptations that may occur without necessitating changes to the language of the law.

Louisiana. The five coded instances of cyberbullying in Louisiana occur between four different laws. Louisiana lawmakers crafted one of these laws to exclusively focus on cyberbullying that characterizes it as “the transmission of any electronic textual, visual, written, or oral communication with the malicious and willful intent to coerce, abuse, torment, or

intimidate a person under the age of eighteen” (La. Rev. Stat. Ann. § 14:40.7(A)). The cited age stipulation is unique to Louisiana among the laws studied; however, including qualifications for intent is similar to the Georgia law.

Furthermore, in the Louisiana student code of conduct, there is a similar definition for electronic communication, but one that uses more specific terms than the Georgia law, both in the type of behavior and in the types of devices that may be used:

Written, electronic, or verbal communications, including but not limited to calling names, threatening harm, taunting, malicious teasing, or spreading untrue rumors. Electronic communication includes but is not limited to a communication or image transmitted by email, instant message, text message, blog, or social networking website through the use of a telephone, mobile phone, pager, computer, or other electronic device. (La. Rev. Stat. Ann. §17:416.13(C)(1)(b))

Moreover, Louisiana’s cyberbullying law explains electronic communication as being “made through the use of a computer online service, Internet service, or any other means of electronic communication, including but not limited to a local bulletin board service, Internet chat room, electronic mail, or online messaging service” (La. Rev. Stat. Ann. § 14:40.7(B)). Also included are definitions for cable operator, interactive computer service, and telecommunications service (La. Rev. Stat. Ann. § 14:40.7(B)).

West Virginia. Two of the three references to cyberbullying in West Virginia law relate to its definition, which primarily recognizes cyberbullying as

...an electronic act, communication, transmission or threat [that] includes but is not limited to one which is administered via telephone, wireless phone, computer, pager or any electronic or wireless device whatsoever, and includes but is not limited to transmission of any image or voice, email or text message using any such device. (W. Va. Code Ann. §18-2C-2(b))

Similar to other states included in the study, this definition is integrated with the general definition of bullying. Furthermore, it requires that the act is intentional, with reasonable

expectation of causing harm or fear of harm, and specifically lists the devices that may be used to commit an act of cyberbullying.

Washington. Five references to cyberbullying are all contained in one statute related to harassment, intimidation, and bullying prevention policies and procedures. Two coded references relate to a definition that specifies cyberbullying as “any intentional electronic... act” (Wash. Rev. Code Ann. § 28A.300.285) that may be motivated by “perception of the victim's race, color, religion, ancestry, national origin, gender, sexual orientation, or mental, physical, or sensory handicap” (Wash. Rev. Code Ann. § 9A.36.080) or other distinguishing characteristics. Washington legislators further clarify the terms *electronic* and *electronic means* as “any communication where there is the transmission of information by wire, radio, optical cable, electromagnetic, or other similar means” (Wash. Rev. Code Ann. § 28A.300.285). Washington law also requires that an act of cyberbullying either causes physical harm against a student or property, effectively interferes with a student’s education, or the degree of harm is such that an intimidating or threatening educational environment is created (Wash. Rev. Code Ann. § 28A.300.285).

California. Although California laws refer to cyberbullying with the greatest frequency, only two of 13 references relate to defining it. As with the aforementioned states, California law defines cyberbullying as an *electronic act*, which means

... the creation or transmission originated on or off the schoolsite, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, including, but not limited to, any of the following:

- (i) A message, text, sound, or image.
- (ii) A post on a social network Internet Web site, including, but not limited to:

(I) Posting to or creating a burn page. “Burn page” means an Internet Web site created for the purpose of having one or more of the effects listed in paragraph (1).

(II) Creating a credible impersonation of another actual pupil for the purpose of having one or more of the effects listed in paragraph (1). “Credible impersonation” means to knowingly and without consent impersonate a pupil for the purpose of bullying the pupil and such that another pupil would reasonably believe, or has reasonably believed, that the pupil was or is the pupil who was impersonated.

(III) Creating a false profile for the purpose of having one or more of the effects listed in paragraph (1). “False profile” means a profile of a fictitious pupil or a profile using the likeness or attributes of an actual pupil other than the pupil who created the false profile. (Cal. Educ. Code § 48900(r)(2)(A))

This statutory definition for cyberbullying in California is the most complex, and has the highest degree of specificity of all states included in the study. In fact, California is also the only state that refers to a burn page. Moreover, California is the only state in which legislators specify that, “an electronic act shall not constitute pervasive conduct solely on the basis that it has been transmitted on the Internet or is currently posted on the Internet” (Cal. Educ. Code § 48900). This is important when interpreting the legal definition of cyberbullying, where the term *pervasive* is a qualifying requirement behavior must meet. As previously noted, California and seven other states have such a statutory requirement.

Maine. In 2011, Maine’s Education Code was revised to indicate that bullying also includes cyberbullying, as well as to stipulate a separate definition for the construct as

... bullying through the use of technology or any electronic communication, including, but not limited to, a transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted by the use of any electronic device, including, but not limited to, a computer, telephone, cellular telephone, text messaging device and personal digital assistant. (Me. Rev. Stat. tit. 20-A, § 6554)

Among the mentions of cyberbullying, the reference to signs, signals, and data or intelligence of any nature are peculiar to Maine law. However, these designations allow for

interpretation and individual determinations to be made about behavior. The law further stipulates that its scope extends beyond the school grounds if use of technology causes infringement of students' rights at school (Me. Rev. Stat. tit. 20-A, § 6554).

Kansas. In Kansas law, the three coded references to cyberbullying all relate to its definition, which is specified as “bullying by use of any electronic communication device through means including, but not limited to, e-mail, instant messaging, text messages, blogs, mobile phones, pagers, online games and websites” (Kan. Stat. Ann. § 72-8256). Kansas is the only state to specifically include use of online games in its cyberbullying definition; yet of all states included in the study, its definition is the shortest and simplest.

New York. New York laws and regulations have 13 coded references to cyberbullying, but legislators define it simply as “harassment or bullying... where such harassment or bullying occurs through any form of electronic communication” (N.Y. Educ. Law § 11(8)). However, New York lawmakers stipulate that all of the provisions and requirements behavior must meet to qualify as bullying also apply to cyberbullying, including interference with students' educational performance, mental, emotional or physical well-being, causing physical or emotional harm or fear for physical safety, and also that which “occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property” (N.Y. Educ. Law § 11-(7)(d)).

Michigan. In 2014, state legislators in Michigan amended their School Code to include cyberbullying as a form of bullying, stipulating that bullying can mean “any electronic communication, including, but not limited to, cyberbullying, that is intended or that a reasonable person would know is likely to harm 1 or more pupils either directly or indirectly” (Mich. Rev.

School Code Ann. § 380.1310b(10)(b)). This phrasing is inconsistent with the language of other states' laws and exceptional, since cyberbullying is further specified to mean the same (Mich. Rev. School Code Ann. § 380.1310b(10)(c)). Michigan's defining elements are found in what is known as the Matt Epling Safe School Law, and includes similar requirements for cyberbullying as those previously covered for bullying.

Montana. Among the 11 coded references to acts of cyberbullying in Montana law, three relate to providing a definition. Similar to other states, Montana legislators' definition of bullying includes "any intentional... electronic communication or threat directed against a student..." (Mont. Code Ann. § 20-5-208(1)), before listing the qualifying factors behavior must meet to be considered bullying. However, after identical language, an Administrative Rule extends this definition, specifying, "... or students regardless of the underlying reason for such conduct" (Admin. R. Mont. § 10.55.719(1)).

Although it is not intended to address cyberbullying, Montana has a law that states a person is committing an

offense of violating privacy in communications if the person knowingly or purposely:

(a) with the purpose to terrify, intimidate, threaten, harass, annoy, or offend, communicates with a person by electronic communication and uses obscene, lewd, or profane language, suggests a lewd or lascivious act, or threatens to inflict injury or physical harm to the person or property of the person. The use of obscene, lewd, or profane language or the making of a threat or lewd or lascivious suggestions is prima facie evidence of an intent to terrify, intimidate, threaten, harass, annoy, or offend. (Mont. Code Ann. § 45-8-213(1))

This law further states that, "'Electronic communication' means any transfer between persons of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic, or photo-optical system" (Mont. Code Ann. § 45-8-213). While this statute is not specifically limited to students in a

school setting, this language is comparable to that of other states' definitions of cyberbullying and the corresponding behavior described within them.

Social-Ecological Exploration of Bullying Prevention Laws

Consistent with the framework chosen for the foundation of this study, the laws and coded concepts were examined through a social-ecological lens, and elements coded in the study were positioned within the five systems: macrosystem, exosystem, mesosystem, and microsystem. As depicted in Figure 18, these systems are nested and represent the natural cascading effect from the outermost macrosystem to the innermost microsystem, yet influences within and between each system occur bi-directionally. Consequently, considerable overlap of concepts between these systems became evident in the coding process. Nonetheless, reporting on the remaining coded elements was done by placing them in the most apposite system.

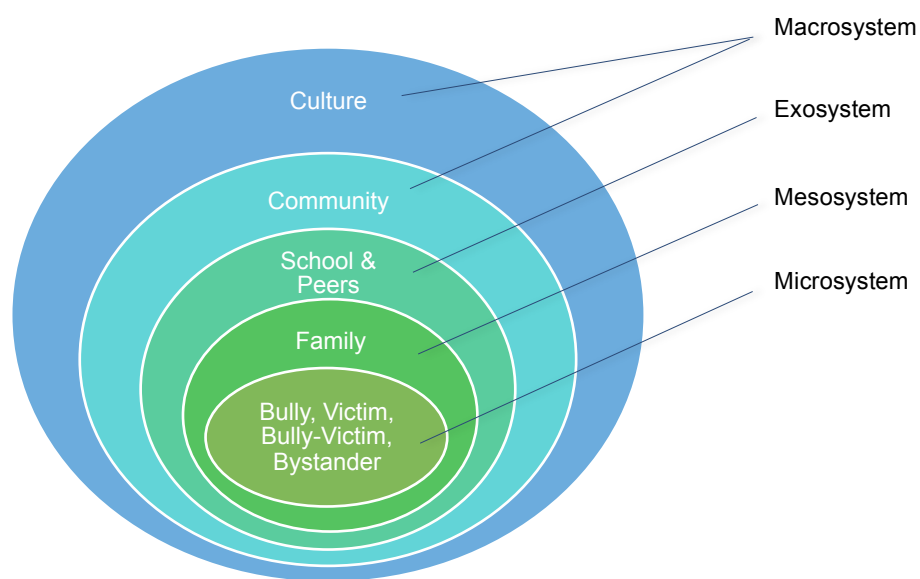


Figure 18. Social-ecological model of bullying and its related systems. Adapted from “Introduction,” by D. L. Espelage and S. M. Swearer, in D. L. Espelage and S. M. Swearer (Eds.), *Bullying in American Schools: A Social-Ecological Perspective on Prevention and Intervention*, (p. 4), 2004, New York: Routledge. Copyright 2004 by Taylor and Francis Group LLC. Adapted by permission of Taylor and Francis Group LLC, a division of Informa plc.

Macrosystem. The macrosystem comprises the cultural and community context affecting a child's behavior; however, the effect of a school's or school district's anti-bullying policy is an influence from a different context (Espelage & Swearer, 2004, p. 4). U.S. state anti-bullying laws are recognized as reflecting the cultural mores and societal attitudes about bullying and are, therefore, located within the macrosystem of the social-ecological model (Espelage & Swearer, 2004, p. 4). Influences in the macrosystem indirectly affect every other system and the issues and individuals operating within them. The following discussion will provide salient details and examples regarding elements of these laws in the macrosystem.

Legal principles. *Black's Law Dictionary* (2014) defines *law* as "the regime that orders human activities and relations through systematic application of the force of politically organized society, or through social pressure, backed by force, in such a society" (p. 1015). Each state has a system of anti-bullying laws incorporating fundamental legal principles, and members of society undoubtedly have an expectation that these laws will be venerated and upheld. Additionally, each state's bullying prevention laws will have some general legislative elements in common.

Crime/offense. Only two states, Kansas and Michigan, lacked a mention of crime or criminal offense in their anti-bullying laws. Georgia law designates an act as a "misdemeanor of a high and aggravated nature" (Ga. Code Ann. § 20-2-1181(a)) if the offender "knowingly, intentionally, or recklessly disrupt or interfere with the operation of any public school, public school bus, or public school bus stop" (Ga. Code Ann. § 20-2-1181(a)), which can be interpreted to include bullying behavior. While most states limit referring to bullying as a crime, a few state lawmakers have directly classified bullying or cyberbullying offenses as crimes, such as in Louisiana, where cyberbullying has been established in this manner (La. Rev. Stat. Ann. §

14:40.7(D)(1)). Washington law declares that “malicious harassment is a class C felony” (Wash. Rev. Code Ann. § 9A.36.080), and its definition is analogous to bullying, or hate crimes against specific groups.

Moreover, New York’s law providing for an education reform program that also refers to penal law that addresses electronically sending or receiving nudity or obscenity specifically stipulates

an "eligible offense" means a crime or offense committed... by an eligible person that involved cyberbullying... when the sender and the receiver thereof were both under the age of twenty at the time of such communication, but not more than five years apart in age. (N.Y. Soc. Serv. Law § 458-l)

Any acts that involve violence on school property are considered to be a crime; however, there is variation on states handle this. California includes several references to hate crimes and hate violence in their Education Code, and also introduces “bias-related incidents” (Cal. Educ. Code § 201(d)) as a term to refer to offenses. In the two references to crime or offenses, Maine’s laws refer only to acts of violence (Me. Rev. Stat. Ann. tit. 20-A, § 1001-15H), while Montana’s single reference to crime is related to the aforementioned privacy in communications law. Additionally, states that mention sexual harassment in their laws indicate that it is a crime. Furthermore, the Education Codes of California, New York, and West Virginia refer to criminal behavior in relation to policies on disciplinary actions, but New York law makes a provision for determination on whether harassment, bullying, and/or discrimination is in fact criminal behavior prior to deciding on what action to take (N.Y. Educ. Law § 13.1.i).

Civil liability/immunity. These two coded elements are opposites of an issue. *Black’s Law Dictionary* (2014) defines civil liability as “liability imposed under the civil, as opposed to the criminal, law” (p. 1054), and also “the quality, state, or condition of being legally obligated for civil damages” (p. 1054). All of the states, with the exception of Maine, Kansas, and

Montana generally stipulate that individuals who participate in effecting justice in a bullying situation will be immune from civil liability. Yet, many particulars cause variation among those states, which are summarized in Figure 19.

State	Immunity	Civil Liability
GA	Anyone reporting bullying in good faith shall be immune	Damages caused by reporting
LA	School districts, schools, and school employees immune, but shall not apply if action maliciously, willfully, and deliberately intended to cause bodily harm to a student or to harass or intimidate a student	Statement made, action taken, or by omission of any statement or action regarding instruction required by Internet and cell phone safety education
WV	School employee, student, or volunteer is individually immune if: (1) in good faith promptly reports (2) makes report to appropriate school official as designated in the policy (3) makes the report in compliance with the procedures specified in the policy	Cause of action for damages arising from reporting incidents
WA	School employee, student, volunteer who promptly reports an incident of harassment, intimidation, or bullying to an appropriate school official, and who makes this report in compliance with the procedures in the district's policy	Cause of action for damages arising from failure to remedy the reported incident
CA	Civil Code protection for any testimony provided by a pupil witness in an expulsion hearing—protected communication	Parent or guardian of minor whose willful misconduct results in injury or death shall be liable for all damages so caused by the minor; specifies amounts
NY	Any person having reasonable cause to suspect that a student has been subjected on school grounds or at a school function, who, acting reasonable and in good faith, reports such information to school officials, to the commissioner or to law enforcement authorities, acts in compliance, or otherwise initiates, testifies, participates or assists in any formal or informal proceedings under the specified article shall have immunity	Civil liability that may arise from the making of such report or from initiating, testifying, participating or assisting in such formal or informal proceedings
MI	School employee, school volunteer, pupil, or parent or guardian who promptly reports in good faith an act of bullying to the appropriate school official designated in the school district's or public school academy's policy and who makes this report in compliance with the procedures set forth in the policy is immune. However, this immunity does not apply to a school official who is designated under subsection (5)(d), or who is responsible for remedying the bullying, when acting in that capacity.	Cause of action for damages arising out of the reporting itself or any failure to remedy the reported incident

Figure 19. Summary of civil liability and immunity stipulations by state.

Georgia law has the simplest clause, stating that “any person who reports an incident of bullying in good faith shall be immune from civil liability for any damages caused by such

reporting” (Ga. Code Ann. § 20-2-751.4(e)). The *good faith* standard in this context is defined as “a state of mind consisting in (1) honesty in belief or purpose, or (2) faithfulness to one’s duty or obligation” (p. 808), according to *Black’s Law Dictionary* (2014). The remaining states add more complexity to their treatment of these concepts in their bullying prevention laws. For instance, several states indicate that only certain individuals are immune from civil liability, such as Louisiana, where school districts and school entities, as well as school employees are immune, and West Virginia, where school employees, students, or volunteers may be immune from civil liability if meeting further qualifications (La. Rev. Stat. Ann. § 17:280(D); W. Va. Code Ann. § 18-2C-4). Furthermore, in addition to making a good faith report, New York laws specify that a person must act reasonably and have reasonable cause to suspect that a student has been subjected to bullying on school grounds or at a school function, and also that the report be made either to school officials, the commissioner, or law enforcement authorities to receive immunity from civil liability (N.Y. Educ. Law § 16; N.Y. Comp. Codes R. & Regs. § 100.2(kk)). Several states require that reporters act in compliance with policy, which includes reporting to the appropriate individuals and using proper reporting methods. Michigan, Washington, and West Virginia require that reporting be done promptly (Mich. Rev. School Code Ann. § 380.1310b(8); Wash. Rev. Code Ann. § 28A.600.480(3); W. Va. Code Ann. § 18-2C-4). However, in contrast to other states granting immunity to school officials for reporting, Michigan law specifically rules out immunity for a school official responsible for remedying a bullying situation (Mich. Rev. School Code Ann. § 380.1310b(8)).

California law is most unique indicating that pupil witness testimony in an expulsion hearing is protected communication, and that parents or guardians of minors whose intentional misbehavior results in another’s injury or death will be liable for the damages caused.

California's legislators are also the only ones in this study to specify the dollar amounts that may be imposed:

The liability of the parent or guardian shall not exceed ten thousand dollars (\$10,000), adjusted annually for inflation. The parent or guardian shall be liable also for the amount of any reward not exceeding ten thousand dollars (\$10,000), adjusted annually for inflation... (Cal. Educ. Code § 48904(a)(1))

Moreover, although Louisiana and Washington make provisions for cyberbullying and malicious harassment to be treated as crimes, mentions of immunity, or its absence, exist only in a civil context.

Legal remedies. Only three states, Kansas, Michigan, and Montana make no mention of specific legal remedies available in their bullying prevention laws, and Georgia only provides for court intervention when parents or legal guardians of an offender are unwilling or unable to resolve the “expressed problem” (Ga. Code Ann. § 20-2-1181(b)(3)(B)). Louisiana has more stated provisions for legal remedies than any of the other states. Most notably, with a law stipulating that cyberbullying is a criminal offense, Louisiana lawmakers indicate that “whoever commits the crime of cyberbullying shall be fined not more than five hundred dollars, imprisoned for not more than six months, or both” (La. Rev. Stat. Ann. § 14:40.7.D(1)). Furthermore, bullying of a student by another student in Louisiana may result in criminal consequences and loss of the offending student’s driver’s license (La. Rev. Stat. Ann. § 17:416.20.A).

Although Washington law defines malicious harassment as a class C felony, there is no specific legal solution included in the laws examined. However, similar to the laws of California, Louisiana, Montana, and New York, Washington law explicitly states that it does not preclude individuals from seeking any remedies available under federal and state law. In fact, Montana’s section on enforcement of the Bully-Free Montana Act has only one clause providing

that, for violations, a person “may seek redress under any available law, either civil or criminal, after exhausting all administrative remedies” (Mont. Code Ann. § 20-5-210).

References to existing law. Michigan is the only state that does not cite a federal statute in their bullying prevention laws. All remaining states refer to existing federal statutes, and consistent with the statistics for total number of laws overall, California has the greatest number of mentions, while Kansas has only one. The federal laws referenced most commonly are the First Amendment of the U.S. Constitution, Individuals with Disabilities Education Act, Section 504 of Rehabilitation Act, Title IX of the Education Amendments of 1972, and Title VII of the Civil Rights Act of 1964. Many of these references are to ensure state laws are not construed to conflict with federal law. For example, in the California Code of Regulations section on enforcement and procedures to effect compliance, the law indicates that the Department of Education may act “in accordance with state or federal statute or regulation” (Cal. Code Regs. tit. 5, § 4670). However, as within any system, a state’s system of laws has related components; therefore, states’ laws are cited more frequently. Nevertheless, in Michigan’s bullying prevention law, there is one reference to their penal code regarding definitions for “telecommunications access device” (Mich. Rev. School Code Ann. § 380.1310b(10)(d)) and “telecommunications provider” (Mich. Rev. School Code Ann. § 380.1310b(10)(d)), and this example is representative of the majority of coded references in this category.

Exosystem. In the social-ecological model, the exosystem is the sphere in which influences beyond the child’s direct involvement are found, such as an anti-bullying policy or a teacher’s behavior, and these influences will have a significant impact on a child’s experience in school, regardless of the role (Espelage & Swearer, 2004). State laws that mandate establishment of bullying prevention policies in the macrosystem also require that departments of

education, school boards, school districts, and school administrators in the exosystem are involved in establishing and enforcing them. Consequently, many of the coded instances that belong in the exosystem concern an obligation to establish policies to handle bullying. Findings are reported below organized into three sections: codes of conduct, the school environment, and bullying policy and prevention programs. For the discussion of programs, eight specific components are presented.

Codes of conduct. Most states have a designated set of rules, or codes of conduct, for governing student behavior while attending school or school functions that include consequences for violations. However, Kansas and Michigan have no mention of a specific code of conduct for students in their bullying prevention laws. Among the remaining states, New York and Georgia give the greatest attention to this factor with 44 and 28 coded references, respectively. In fact, New York has a policy dedicated to school conduct and discipline, which mandates that “each board of education and board of cooperative educational services shall adopt and provide for the enforcement of a written code of conduct for the maintenance of order on school property and at school functions” (N.Y. Comp. Codes R. & Regs. § 100.2(1)), and which must be “developed in collaboration with student, teacher, administrator, and parent organizations, school safety personnel and other school personnel and shall be approved by the board of education, or other governing body, or by the chancellor of the city school district in the case of the City School District of the City of New York” (N.Y. Comp. Codes R. & Regs. § 100.2(1)). The distinction between state requirements and those of a city is unique to this state. Furthermore, New York law requires that the local governing entities “ensure community awareness of its code of conduct” (N.Y. Comp. Codes R. & Regs. § 100.2(2)(iii)) using various methods including posting the complete code of conduct on any of their existing internet sites, providing

age-appropriate summaries to students, “mailing a plain language summary... to all persons in parental relation to students” (N.Y. Comp. Codes R. & Regs. § 100.2(2)(iii)), providing teachers with complete copies of the code and any amendments, and making complete copies available to community members (N.Y. Comp. Codes R. & Regs. § 100.2(2)(iii)).

Moreover, New York requires that regents ensure kindergarten through grade 12 students receive instruction on “the principles of honesty, tolerance, personal responsibility, respect for others, with an emphasis on discouraging acts of harassment, bullying, discrimination, observance of laws and rules, courtesy, dignity and other traits which will enhance the quality of their experiences in, and contributions to, the community” (N.Y. Educ. Law § 17-801-a). Georgia law provisions development of a more comprehensive character education program to “focus on the students’ development of the following character traits: courage, patriotism, citizenship, honesty, fairness, respect for others, kindness, cooperation, self-respect, self-control, courtesy, compassion, tolerance, diligence, generosity, punctuality, cleanliness, cheerfulness, school pride, respect for the environment, respect for the creator, patience, creativity, sportsmanship, loyalty, perseverance, and virtue,” as well as “methods of discouraging bullying and violent acts against fellow students” (Ga. Code Ann. § 20-2-145). Uniquely, Georgia’s law includes provisions for addressing student conduct off-campus and during off-school hours that “could result in the student being criminally charged with a felony and which makes the student’s continued presence at school a potential danger to persons or property at the school or which disrupts the educational process” (Ga. Comp. R. & Regs. r. 160-4-8-.15(2)(a)). Additionally, the law stipulates that student handbooks prepared by local school boards or schools must either include the code of conduct or be accompanied by it, and a form signed by parent or guardian acknowledging its receipt is required (Ga. Code Ann. § 20-2-751.5).

In addition, Louisiana requires that school districts adopt a code of conduct, that it be routinely reviewed and amended as necessary to ensure it remains effective, and to which students must be oriented during the first five days of school attendance (La. Rev. Stat. Ann. § 17:416.13). Washington only specifies that the required sexual harassment policy appear in “any publication that sets forth the rules, regulations, procedures, and standards of conduct” (Wash. Admin. Code 392-190-058(2)). Louisiana’s and Washington’s anti-bullying laws also mandate character education in schools.

In Maine, lawmakers demand that school boards are responsible for ensuring that school officials inform students, parents and community members of the student code of conduct” (Me. Rev. Stat. tit. 20-A, § 1001.15). Similar to New York law, Montana requires development of behavioral rules that “respect the rights of all learners, [and] promote an awareness and concern for the well-being of others” (Admin. R. Mont. § 10.55.801(1)), and also that students, parents, families, and guardians be informed of the school’s expectations, as well as students’ rights and responsibilities. These stipulations on student conduct are found in a section dedicated to addressing school climate, which is a factor of the school environment.

School environment. All states recognize that a safe and positive school environment is critical to student success and prohibit behavior, including bullying, that contributes to an intimidating, abusive, or threatening environment, as well as provisioning policies and practices to establish conditions contributing to a positive environment. This is evidenced by California’s Interagency School Safety Demonstration Act of 1985, which requires school discipline rules and regulations as part of “appropriate strategies and programs that will provide or maintain a high level of school safety” (Cal. Educ. Code § 32282(a)); California’s Safe Place to Learn Act, which declares the state’s policy to “improve pupil safety at schools...” (Cal. Educ. Code §

234(b), Deering); Washington’s law providing that a work group be convened to identify best practices for improving school climate and creating respectful learning environments (Wash. Rev. Code § 28A.300.2851); and New York’s policy to afford all students in public schools an environment free of discrimination and harassment (N.Y. Educ. Law § 10).

When related to acts of bullying, most states indicate that it occurs on school grounds, bus stops, and at school-sponsored activities. However, California’s law on sexual harassment specifies that the educational environment includes, “the campus or school grounds, properties controlled or owned by the local agency, and off-campus activities sponsored by the local agency, or conducted by organizations sponsored by or under the jurisdiction of the local agency” (Cal. Code Regs. tit. 5, § 4916), but is not limited to these specifications. New York’s law specifically states that

School property means in or within any building, structure, athletic playing field, playground, parking lot, or land contained within the real property boundary line of a public elementary or secondary school, including a charter school, or in or on a school bus (N.Y. Educ. Law § 10); [and] off school property where such acts create or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. (N.Y. Comp. Codes R. & Regs. § 100.2(kk)(1)(viii)(c)(3))

Georgia law extends the school environment to include school bus stops and buses, school related functions, and anywhere school system electronic technology is used (Ga. Code Ann. § 20-2-751.4(a)), but Maine goes further, specifying that

“School grounds” means a school building; property on which a school building or facility is located; and property that is owned, leased or used by a school for a school-sponsored activity, function, program, instruction or training. “School grounds” also includes school-related transportation vehicles. (Me. Rev. Stat. Ann. tit. 20-A, § 6554(2)(E))

Moreover, Michigan law states that, “*at school* [emphasis added] includes conduct using a telecommunications access device or telecommunications service provider that occurs off

school premises if the telecommunications access device or the telecommunications service provider is owned by or under the control of the school district or public school academy” (Mich. Rev. School Code Ann. § 380b.1310b). However, if it “infringes on the rights of the student at school” (Me. Rev. Stat. Ann. tit. 20-A, § 6554(4)(B)), Maine’s law specifies that bullying may occur “elsewhere or through the use of technology” (Me. Rev. Stat. Ann. tit. 20-A, § 6554(4)(B)). Only Louisiana stipulates that bullying may occur “in any other school or private vehicle used to transport students to and from schools, or any school-sponsored activity or event” (La. Rev. Stat. Ann. § 17:416.13(2)(a)).

Bullying prevention policies and programs. Each state in the study includes a mandate for school boards, districts, or schools to develop an anti-bullying policy, and has a provision for developing and implementing a program to prevent school bullying. However, the degree to which detailed guidelines are provided varies considerably, and a few states have unique stipulations. For example, Michigan law allows school districts, intermediate school districts, or public school academies to use any anti-bullying policy that has already been adopted and implemented if it includes the required components, and if the board or board of directors submits a copy to the department of education within a specified timeframe (Mich. Rev. School Code Ann. § 380b.1310b). Additionally, Michigan’s legislature encourages boards to include “provisions to form bullying prevention task forces, programs, teen courts, and other initiatives involving school staff, pupils, school clubs or other student groups, administrators, volunteers, parents, law enforcement, community members, and other stakeholders” (Mich. Rev. School Code Ann. § 380.1310b(6)(a)) in their bullying prevention policies.

Moreover, Louisiana’s cyberbullying law requires that matters involving offenders under the age of 17 be governed by the state’s Children’s Code (La. Rev. Stat. Ann. § 14:40.7.D(2)),

and West Virginia's legislation mentions cyberbullying in a list of requirements for a sexting educational diversion program, indicating that within any such program their Supreme Court of Appeals may develop, there should be inclusion of "the connection between bullying and cyberbullying and minors sharing sexually suggestive or explicit materials" (W. Va. Code Ann. § 49-4-717(b)(4)). Eight key components of the states' requirements for bullying prevention programs are presented below.

Staff training component. All states except Montana require staff training on basic elements of bullying prevention; however, there is significant variation among the states on what must be included and how the training must be done. Georgia law requires the Department of Education to develop character education workshops for school employees (Ga. Code Ann. § 20-2-751.4). An additional requirement calls for a tribunal training course not less than five hours in length to provide instruction on student disciplinary provisions, due process requirements under federal and state law, applicable rules of evidence, and applicable ethical standards (Ga. Comp. R. & Regs. r. 160-4-8-.15). Louisiana law requires four hours of training for new employees and two-hour training sessions each year for all employees who have student contact. This training must specifically include how to recognize bullying behaviors and those most likely to become bullying victims at each grade level, how to use appropriate intervention techniques, and the bullying incident reporting procedures (La. Rev. Stat. Ann. § 17:416.13). West Virginia law directs school districts to provide training on the bullying policy to school employees and volunteers who have direct contact with students, provided there is available funding to do so (W. Va. Code Ann. § 18-2C-5(a)). Washington and California law requires a group be organized to identify curriculum and train staff on de-escalating and intervening effectively (Wash. Rev. Code Ann. § 28A.300.2851), and that, through training, enables

initiation and maintenance of school community safety programs (Cal. Educ. Code § 32270). Furthermore, California’s Department of Education is charged with developing an online training module to help school staff and administrators understand the dynamics of bullying and cyberbullying, including identification of such acts, and implementation of strategies to address them (Cal. Educ. Code § 32283; Cal. Educ. Code § 32283.5).

New York law has the most detailed requirements for training, including a provision that, in addition to all other certification or licensing conditions of employment, school professionals applying for work in the state must have also “completed training on the social patterns of harassment, bullying and discrimination” (N.Y. Educ. Law § 14(5)), including acts based on a person's actual or perceived characteristics, “the identification and mitigation of harassment, bullying and discrimination, and strategies for effectively addressing problems of exclusion, bias and aggression in educational settings” (N.Y. Educ. Law § 14(5)). Moreover, New York law stipulates that staff training focus on effectively addressing exclusion, bias and aggression in schools, as well as the effects these behaviors have on students, as well as inclusion of safe and supportive school climate concepts in curriculum and classroom management. (N.Y. Educ. Law § 14; N.Y. Comp. Codes R. & Regs. § 100.2(jj)(4)). Nevertheless, Michigan law purposes a much simpler treatment of this topic making an annual training requirement for “administrators, school employees, and volunteers who have significant contact with pupils on preventing, identifying, responding to, and reporting incidents of bullying” (Mich. Rev. School Code Ann. § 380b.1310b).

Communicating policy component. The laws or regulations of California, Maine, and Washington require that complaint procedures be published at least annually (Cal. Code Regs. tit. 5, § 4622; Me. Rev. Stat. Ann. tit. 20-A, § 6554; Wash. Admin. Code 392-400-226).

Furthermore, Washington law dictates that notice must be “in a manner that is reasonably calculated to inform all students, students' parents and guardians, and employees” (Wash. Admin. Code 392-190-060(2)), and “in a language that each parent and guardian can understand” (Wash. Admin. Code 392-190-060(2)), while California directs the local education agencies to provide notification in writing, *as applicable*, and to advise all interested parties the appeal procedures, as well as any available civil law remedies (Cal. Code Regs. tit. 5, § 4622). The law further specifies that “notice shall be in English, and when necessary, in the primary language... or mode of communication of the recipient of the notice” (Cal. Code Regs. tit. 5, § 4622), and without a charge to the recipient. New York requires the policy be written, age-appropriate and included in the adopted code of conduct (N.Y. Educ. Law § 12-(1)), while the state of Maine only requires providing the clearly written policy and procedures to all interested parties, inclusion in each school board’s student handbook, and publishing on the “school administrative unit’s publicly accessible website” (Me. Rev. Stat. Ann. tit. 20-A, § 6554). Montana law requires school districts to make available to staff and the public their adopted policies addressing bullying (Admin. R. Mont. § 10.55.701(2)(f)).

Complaint reporting and responding to bullying component. There is no mention of a specific procedure for handling bullying complaints in Kansas law; there is only a mandate to adopt a bullying prohibition policy and to adopt and implement a plan to address it (Kan. Stat. Ann. § 72-8256). However, all other states have stipulations on how complaints must be handled, ranging from Maine’s provision that policies and procedures be developed for anonymously reporting incidents of bullying (Me. Rev. Stat. Ann. tit. 20-A, § 6554(5)(E)), to California’s Code of Regulations, which has an entire chapter of 19 sections dedicated to bullying complaint procedures, three other sections relating specifically to sexual harassment and

discrimination complaints, and an additional section in the Education Code to address complaint handling with great detail (Cal. Educ. Code § 48900; Cal. Code Regs. tit. 5, §§ 4600, 4610, 4611, 4620, 4621, 4622, 4630-4633, 4640, 4650, 4651, 4660, 4662-4665, 4670, 4963-4965). All states except Maine and Kansas require procedures that identify who will be responsible for complaint investigation and response, while Washington law directs school bullying and harassment work groups to “examine possible procedures for anonymous reporting of incidents” (Wash. Rev. Code Ann. § 28A.300.2851(b)). Furthermore, in complainant cases with limited English proficiency, Washington requires that school district notifications regarding complaint procedures be provided in a language he or she can understand (Wash. Admin. Code 392-190-059(2)). Moreover, Washington law makes it mandatory for school districts to annually distribute current contact information for the harassment, intimidation and bullying compliance officer along with an incident reporting form to parents, students, employees, and volunteers (Wash. Admin. Code 392-400-226).

Most states at least encourage reporting bullying; however, Georgia law demands that policies and procedures include “a requirement that any teacher or other school employee who has reliable information that would lead a reasonable person to suspect that someone is a target of bullying shall immediately report it to the school principal” (Ga. Code Ann. § 20-2-751.4(c)), and that “each school have a procedure for the school administration to promptly investigate in a timely manner and determine whether bullying has occurred” (Ga. Code Ann. § 20-2-751.4(c)). This law further provisions anonymous reporting of bullying activity, if the reporter chooses. Conversely, the laws of Louisiana, Michigan, and West Virginia require that bullying reports remain confidential (La. Rev. Stat. Ann. § 17:416.13; Mich. Rev. School Code Ann. § 380.1310b(5)(j); W. Va. Code Ann. § 18-2C-3(b)). Specifically, Michigan’s law demands “an

assurance of confidentiality for an individual who reports an act of bullying and procedures to safeguard that confidentiality” (Mich. Rev. School Code Ann. § 380.1310b(5)(j)). Furthermore, Louisiana permits “the governing authority of each public elementary and secondary school [to] develop a procedure for reporting” (La. Rev. Stat. Ann. § 17:416.13(D)), but includes specific instructions on the required investigation procedure, including use of a form, who will be interviewed in the process, what audio-visual evidence must be obtained, the timing of the investigation, and parental notification requirements. Similarly, West Virginia law requires a procedure for reporting, documenting, responding to, and investigating reported bullying incidents, but uniquely states that “a strategy for protecting a victim from additional harassment, intimidation, or bullying” (W. Va. Code Ann. § 18-2C-3(b)(8)) be included in each county’s board policy.

Louisiana requires its Department of Education to “develop a behavior incidence checklist” (La. Rev. Stat. Ann. § 17:416.13) for public schools to use in documenting details of reported bullying incidents (La. Rev. Stat. Ann. § 17:416.13); however, New York’s reporting requirements allow for written or oral complaints of verified incidents of bullying or harassment (N.Y. Comp. Codes R. & Regs. § 100.2(kk)). Moreover, anonymous reporting mechanisms are among the elements required in a comprehensive district-wide school safety plan, as well as strategies for improving communication among students and between students and staff and reporting of potentially violent incidents, such as the establishment of youth-run programs, peer mediation, conflict resolution, creating a forum or designating a mentor for students concerned with bullying or violence (N.Y. Educ. Law § 2801-a(2)(j)). In Washington, the law encourages school employees, students, or volunteers to report bullying incidents to an appropriate school official when they have either witnessed it, or have reliable information that it has occurred

(Wash. Rev. Code Ann. § 28A.600.480(2)). Michigan mandates a policy including establishment of a form to report incidents of bullying and a procedure for prompt investigation of complaints (Mich. Rev. School Code Ann. § 380.1310b(7)). Montana law stipulates the local board of trustees will “develop policies, procedures, and rules that respect the rights of all learners, promote an awareness of and concern for the well-being of others, and address bullying, intimidation, and harassment of students and school personnel” (Admin. R. Mont. § 10.55.801(1)(a)).

Corrective measures component. State laws and regulations provisioning remedial actions for bullying behavior are widely varied. California has the most exhaustive section of all states covering suspension and expulsion (Cal. Educ. Code § 48900). Georgia, Louisiana, and New York also provide a thorough treatment of methods to address bullies and bullying behavior with some particular specifications. For example, Louisiana law provides for development and implementation of age-appropriate assistance programs for students in elementary schools “upon the approval of each city, parish, or other local public school board... and the availability of funds to a school for such purpose” (La. Rev. Stat. Ann. § 17:416.17). Additionally, Louisiana requires a principal or designee to contact parents by phone or certified letter to set a required conference date and time when suspending or expelling a student (La. Rev. Stat. Ann. § 17:416(A)(1)(b)(i)). Moreover, a New York Social Services law directs the office of children and family services to develop and implement an age-appropriate program for cyberbullying offenders that includes “the potential connection between bullying and cyber-bullying and juveniles sharing sexually suggestive materials, explicit materials or abusive materials” (N.Y. Soc. Serv. Law § 458-l). Furthermore, New York requires schools to “take prompt actions reasonably calculated to end the harassment, bullying or discrimination, eliminate any hostile

environment..., prevent recurrence of the behavior, and ensure the safety of the student or students against whom such harassment, bullying or discrimination was directed” (N.Y. Educ. Law § 13-1-e). For verified cases of bullying on a school bus, Georgia requires a behavior contract that provides for “progressive age-appropriate discipline, penalties, and restrictions for student misconduct on the bus” (Ga. Code Ann. § 20-2-751.5(b)(2)) that may include “suspension from riding the bus” (Ga. Code Ann. § 20-2-751.5(b)(2)).

Moreover, although West Virginia law does not refer to sexting as a crime, it does include a section that makes provisions for a sexting diversion program for minor children who have violated laws prohibiting “preparation, distribution or exhibition of obscene matter to minors” (W. Va. Code Ann. § 49-4-717), or “filming of sexually explicit conduct of minors” (W. Va. Code Ann. § 49-4-717). Under this law, successful completion means a prosecutor or the court may consider dismissing a juvenile petition, or to abstain from its filing.

Kansas has one reference to remedial actions, which only specifies that “the board of education of each school district adopt and implement a plan to address bullying” (Kan. Stat. Ann. § 72-8256). However, the state of Maine has a specific proviso in their law regarding *alternative discipline*, which means

disciplinary action other than suspension or expulsion from school that is designed to correct and address the root causes of a student's specific misbehavior while retaining the student in class or school, or restorative school practices to repair the harm done to relationships and persons from the student's misbehavior. (Me. Rev. Stat. Ann. tit. 20-A, § 6554)

This is a progressive option, rather than a punitive approach, available when a student is involved in acts of bullying, retaliation against someone who has reported bullying, or falsely accusing another of bullying, and specifically includes:

(1) Meeting with the student and the student's parents;

- (2) Reflective activities, such as requiring the student to write an essay about the student's misbehavior;
- (3) Mediation when there is mutual conflict between peers, rather than one-way negative behavior, and when both parties freely choose to meet;
- (4) Counseling;
- (5) Anger management;
- (6) Health counseling or intervention;
- (7) Mental health counseling;
- (8) Participation in skills building and resolution activities, such as social-emotional cognitive skills building, resolution circles and restorative conferencing;
- (9) Community service; and
- (10) In-school detention or suspension, which may take place during lunchtime, after school or on weekends. (Me. Rev. Stat. Ann. tit. 20-A, § 6554(A))

Disciplinary actions component. Notwithstanding alternative discipline, Maine's law provisions imposing a series of graduated consequences beyond alternative discipline (Me. Rev. Stat. Ann. tit. 20-A, § 6554). The same is true in Georgia law, which stipulates that "an age-appropriate range of consequences for bullying which shall include, at minimum and without limitation, disciplinary action or counseling as appropriate under the circumstances" (Ga. Code Ann. § 20-2-751.4(4)). In fact, other than Kansas's law, all other states' laws include language detailing how discipline will be meted out. The provisions are generally for progressive discipline, up to reassignment to an alternative school, and suspensions or expulsions from school. West Virginia's law simply requires that the county board bullying prevention policy include "a disciplinary procedure for any student guilty of harassment, intimidation or bullying" (W. Va. Code Ann. § 18-2C-3(b)(9)), but also allows for "alternative educational placements" (W. Va. Code Ann. § 18A-5-1(C)(3)).

Moreover, California's suspension and expulsion policy requires that a school principal or school district superintendent conclude that the pupil has committed an act as defined within the subdivisions of the law. In fact, this law covers all types of prohibited behavior, including bullying. Additionally, there are provisions for teachers reporting such behavior to do so in writing for submission to the school principal to make a determination (Cal. Educ. Code § 48900). However, in cases involving harassment of protected classes that constitutes discrimination, regulations specify that, "for students in Grades K-12, the disciplinary consequences shall depend on the ages of the students and the factual circumstances of the incident(s)" (Cal. Code Regs. tit. 5, § 4965).

Reporting component. Washington's bullying prevention work group is mandated to "consider whether additional disaggregated data should be collected regarding incidents of bullying and harassment or disciplinary actions and make recommendations to the office of the superintendent of public instruction for collection of such data" (Wash. Rev. Code Ann. § 28A.300.2851(a)). Moreover, West Virginia requires county boards to electronically enter bullying reports into their education information system for compiling "an annual report regarding the means of harassment, intimidation or bullying that have been reported to them, and the reasons therefor, if known" (W. Va. Code Ann. § 18-2C-3(b)(11)). Congruently, Louisiana, Maine, Michigan, and New York require annual reporting to a higher authority on verified cases of bullying, resulting consequences, and any disciplinary actions taken (Me. Rev. Stat. Ann. tit. 20-A, § 254.11; Mich. Rev. School Code Ann. § 380.1310b(5)(i); N.Y. Educ. Law § 15). Michigan law demands that a form and procedure be established to enable annual reporting of bullying incidents to its department of education, and that the information be made "readily available to the public" (Mich. Rev. School Code Ann. § 380.1310b(7)). Specifically, Louisiana

law provisions publishing the “number of actual reports received and the number of reports received by affected student” (La. Rev. Stat. Ann. § 17:416.13). Additionally, California law requires school districts to maintain data on expulsion numbers, grounds for each expulsion recommended, and outcomes, including whether a referral was made and the type, as well as the student disposition after the expulsion period ends (Cal. Educ. Code § 48916.1(e)(1)). This section of law further specifies that “the Superintendent may require a school district to report this data as part of the coordinated compliance review” (Cal. Educ. Code § 48916(e)(2)).

Retaliation and false reporting component. All states except Kansas have a statement prohibiting retaliation against those who report incidents of bullying in good faith. Louisiana extends this, however, to prohibit retaliation against anyone who participates in an investigation of bullying (La. Rev. Stat. Ann. § 17:416.13). New York law has a specific section that protects anyone who reports bullying, and explicitly prohibits any school district or employee from taking, requesting, or causing a retaliatory action against anyone “who, acting reasonably and in good faith, either makes such a report or initiates, testifies, participates or assists in such formal or informal proceedings” (N.Y. Educ. Law § 16) related to a report of bullying, harassment, or discrimination. Additionally, four states, including Georgia, Louisiana, Washington, and Michigan, specifically prohibit false reporting of bullying offenses (Ga. Code Ann. § 20-2-751.5; La. Rev. Stat. Ann. § 17:416; La. Rev. Stat. Ann. § 17:416.13; Mich. Rev. School Code Ann. § 380.1310b(5)(b); Wash. Rev. Code Ann. § 28A.600.480(1)).

Funding component. Five states have stipulations regarding funding and bullying prevention. A few states provide for training and other services for such purposes if federal or state funds are available (Cal. Educ. Code § 32283; La. Rev. Stat. Ann. § 17:416.17; W. Va. Code Ann. § 18-2C-5). Furthermore, although it is not required, West Virginia lawmakers

encourage schools and county boards “to form bullying prevention task forces, programs and other initiatives involving school staff, students, teachers, administrators, volunteers, parents, law enforcement and community members” (W. Va. Code Ann. § 18-2C-5(a), if federal or state funds are appropriated. Moreover, in New York’s laws, a commissioner of education is assigned the responsibility of providing funds to local school districts through grants to support implementation of model policies and services related to bullying, harassment, and intimidation prevention (N.Y. Educ. Law § 14). However, the commissioner may also withhold funds when school districts fail to comply with required activities, such as adoption of a code of conduct (N.Y. Educ. Law § 2801-a).

With respect to policies prohibiting bullying, Georgia law makes noncompliant school systems ineligible for state funding (Ga. Code Ann. § 20-2-751.4). Furthermore, California superintendents may require school districts to report on suspension and expulsion data, and “withhold the apportionment of funds” (Cal. Educ. Code § 48916.1(e)(2)) to a school if it fails to report. However, Louisiana law binds school officials’ responsibility to maintain and provide disciplinary reports to their salaries. In fact, the law provides that “if any principal wilfully [sic] neglects or fails to do this, the local superintendent of schools may withhold the salary due until the report is satisfactorily made” (La. Rev. Stat. Ann. § 17:415).

Mesosystem. The mesosystem includes interactions between two or more environments—or systems—in a child’s life, such as between home and the school, school district, or school board (Espelage & Swearer, 2004, p. 4). Consequently, most references to these interactions have been covered in the exosystem, where the statutes and regulations mandate administrators of educational entities to establish policies and procedures involving these interactions. For example, states require notifying parents when a child is involved in a

bullying incident, and some provide opportunities for parents to participate in the anti-bullying policy development process. In particular, Washington law states that “materials meant to educate parents and students about the seriousness of cyberbullying be disseminated to parents or made available on the school district's web site” (Wash. Rev. Code § 28A.300.285). Therefore, the following discussion will center primarily on how these laws and regulations specifically address provisions of those in parental relation to students and applicable consequences for their noncompliance.

Parental interactions and responsibilities. Georgia allows opportunities for parental involvement in developing expected student outcomes of the character education program (Ga. Code Ann. § 20-2-145). Furthermore, Georgia law provisions each board of education to ensure parents are advised of the bullying prohibition policy, and also requires that a principal provide written parental contact within one day of receiving a teacher’s report of a student’s violation of the code of conduct (Ga. Comp. R. & Regs. r. 160-4-8-.15). Additionally, pursuant to the law, schools may require “ongoing parental involvement” (Ga. Code Ann. § 20-2-751.5(b)(2)) if one student is found to bully another student on a school bus.

California, Maine, and Louisiana have laws related to suspension and expulsion that contain clauses regarding parental responsibilities. California law allows a policy that authorizes “teachers to require the parent or guardian of a pupil who has been suspended by a teacher to attend a portion of a schoolday in the classroom of his or her child or ward” (Cal. Educ. Code § 48900.1(a)), but also provisions that the policy consider “reasonable factors that may prevent compliance with a notice to attend” (Cal. Educ. Code § 48900.1(a)), and limits parent or guardian attendance to “the class from which the pupil was suspended” (Cal. Educ. Code § 48900.1(a)). When a teacher enacts the policy, written notice advising the legal requirement to

attend will be sent to the parent or guardian living with the student. The adopted policy must also include procedures to ensure parents meet with the principal prior to leaving the schoolsite, and to contact parents who do not respond (Cal. Educ. Code § 48900.1). An additional specification states that when teachers suspend a student for bullying offenses, the teacher shall, as soon as possible, ask the parent or guardian to attend a parent-teacher conference, and that a school administrator will be present at the conference if the parent requests (Cal. Educ. Code § 48910(a)). It is further stipulated that “the parent or guardian of a pupil shall respond without delay to a request from school officials to attend a conference regarding his or her child’s behavior” (Cal. Educ. Code § 48911(f)). However, students will not be penalized for a parent’s or guardian’s failure to attend a conference with school officials” (Cal. Educ. Code § 48911(f)). Furthermore, a student’s reinstatement after suspension is not “contingent upon attendance by the pupil’s parent or guardian at the conference” (Cal. Educ. Code § 48911(f)). Additionally, if the governing board has suspended enforcement of an expulsion, it may, in the interim, assign a student to a rehabilitation school, class, or program that provisions parental involvement. Nonetheless, refusal of parents or guardians to participate is not considered in determining satisfactory program completion (Cal. Educ. Code § 48917(a)). In cases of an expulsion decision, parents or guardians may file an appeal within 30 days to the county board of education (Cal. Educ. Code § 48919), which will make a determination after a hearing. Although it is the responsibility of parents to file the appeal, it is the student’s responsibility to provide a written transcript for county board review at the hearing (Cal. Educ. Code § 48919.5).

Maine’s laws on expulsion of students who have committed acts of bullying stipulate that parents be allowed to review school records in advance of a hearing, that superintendents invite parents to discuss hearing procedures in advance of the hearing, hand deliver or send a certified

letter with return receipt requested to advise the date, time, and location of a meeting to jointly develop a reentry plan for the student, and provide the reentry plan to parents and the student in writing (Me. Rev. Stat. tit. 20-A, § 1001). Furthermore, the reentry plan may require “professional services determined to be necessary by the superintendent... provided at the expense of the student and the student's parents” (Me. Rev. Stat. tit. 20-A, § 1001.9-C).

In Louisiana, the disciplinary process regarding bullying may include “referral for a counseling session which shall include but shall not be limited to family responsibility” (La. Rev. Stat. Ann. § 17:416(A)(1)(b)). Similar to laws in California and Maine, a Louisiana statute requires a conference with the principal before readmission to school. Additionally, parents must be notified of a student expulsion by certified letter. In fact, “if the parent, tutor, or legal guardian fails to attend the required conference within five school days of mailing the certified letter or other contact with the parent, the truancy laws shall become effective” (La. Rev. Stat. Ann. § 17:416). If a parent, tutor, or legal guardian refuses to respond on more than one occasion in the same year, “the pupil shall not be readmitted unless the parent, tutor, legal guardian, court, or other appointed representative responds” (La. Rev. Stat. Ann. § 17:416). Further, cities, parishes, or local public school boards may require that parents or legal guardians “attend after school or Saturday intervention sessions with the pupil” (La. Rev. Stat. Ann. § 17:416.A(1)(c)(vi)(bb)). Parents who fail to attend may be referred “to the court of competent jurisdiction...” (La. Rev. Stat. Ann. § 17:416.A(1)(c)(vi)(bb)), receive a fine between 25 and 250 dollars, be ordered 40 hours of court-approved school or community service, or a combination of school or community service and “attendance at a court-approved family counseling program by both parent or legal guardian and the pupil” (La. Rev. Stat. Ann. § 17:416.A(1)(c)(vi)(bb)). Moreover, under this statute, any recreational license issued by the Department of Wildlife and

Fisheries may be suspended. For parents of students under age 18 and not emancipated, who after notice, refuse to attend required meetings to discuss student behavior, Louisiana law provides for the principal to “file a complaint with a court exercising juvenile jurisdiction” (La. Rev. Stat. Ann. § 17:416.13(D)(2)(d)(iv)(cc)) when judged to be in the student’s best interests.

Parents of bullied students in Louisiana may escalate incident reporting up to the state Department of Education if “timely and effective action” (La. Rev. Stat. Ann. § 17:416.13(7)(b)) is not taken by the school board. Additionally, those parents who have made reports of four or more separate instances of bullying without an investigation taking place, have the right to enroll the child in “another school operated by the governing authority of the public elementary or secondary school in which the student was enrolled on the dates when at least three of the reports were submitted” (La. Rev. Stat. Ann. § 17:416.13(8)).

Furthermore, Louisiana provides for a youth development and assistance program that may include

a provision of services which support the parents of students identified with behavioral needs that may need intervention or support. Such parent services may include literacy services or parental training and required participation of any parent of a student so identified in such intervention at the school or other designated facility. (La. Rev. Stat. Ann. § 17:416.17(C))

Montana’s law places even more emphasis on family involvement with the education process, specifying that school districts make available to staff and the public a comprehensive family engagement policy that is associated with meeting the following specific goals:

- (i) families actively participate in the life of the school and feel welcomed, valued, and connected to each other, to school staff, and to what students are learning and doing in class;
- (ii) families and school staff engage in regular, two-way meaningful communication about student learning;

(iii) families and school staff continuously collaborate to support student learning and healthy development both at home and at school and have regular opportunities to strengthen their knowledge and skills to do so effectively;

(iv) families are empowered to be advocates for their own and other children, to ensure that students are treated equitably and have access to learning opportunities that will support their success. (Admin. R. Mont. § 10.55.701(2)(m))

Although other states include allowances for parental involvement, this extensive familial approach is unique to Montana law.

Microsystem. The microsystem focuses on the individuals involved and how they are affected by their interactions with one another. The interactions related to bullying have been covered previously; therefore, what follows is a discussion of how states address students' characteristics considering the federal description of a protected class of individuals.

Based on Title VII of the Civil Rights Act of 1964, which prohibits discrimination and harassment based on race, sex, religion, or national origin, students with these characteristics make up the class of individuals protected by it. As a federal statute, all states could use its provisions in their own laws. However, only half of the states specifically stipulate that bullying may be motivated by these actual or perceived characteristics. New York, Washington, California, and Maine expressly prohibit bullying based on being part of a protected class. Of these states, New York focuses most heavily on these characteristics, and Montana's one reference is found in a law related to creating a school climate that is free of stereotyping; however, additional characteristics are mentioned (Admin. R. Mont. § 10.55.801(1)).

Although New York law has extensive references to students in federally protected classes, they also add religious practice, disability, weight, sexual orientation, and gender to the list of characteristics that may be the basis for bullying or harassment, but without excluding other characteristics (N.Y. Comp. Codes R. & Regs. § 100.2(kk)). Furthermore, New York

requires that all types of bias be included in annual reports of material bullying incidents, not just those resulting from characteristics of protected classes (N.Y. Comp. Codes R. & Regs. § 100.2(kk)). In California law, additional characteristics include gender identity and gender expression, as well as “any other characteristic that is contained in the definition of hate crimes” (Cal. Educ. Code § 210.2). Moreover, California’s definitions include sexual orientation, which means “heterosexuality, homosexuality, or bisexuality” (Cal. Educ. Code § 212.6). Additionally, Montana includes age and *handicapping condition* as characteristics with which others apply stereotyping, and for which programs and services may be offered to prevent. Furthermore, Montana’s law includes a requirement that each school district make available to staff and the public “a policy incorporating the distinct and unique cultural heritage of American Indians, ensuring integration of the history and contemporary portrayals of Indians, and that is aligned with district goals” (Admin. R. Mont. § 10.55.701(2)(n)).

Without mentioning any specific characteristics, Louisiana requires the governing authority of each public elementary and secondary school to develop training that specifically includes “how to identify students at each grade level in the employee’s school who are most likely to become victims of bullying” (La. Rev. Stat. Ann. § 17:416.13(B)(2)). Washington law prohibits “bullying, harassment, and intimidation motivated by any characteristic, or other distinguishing characteristics” (Wash. Rev. Code § 28A.300.285). Moreover, Maine law adds that bullying may be motivated by “socioeconomic status; age; physical, mental, emotional or learning disability; gender; gender identity and expression; physical appearance; weight; family status; or other distinguishing personal characteristics or may be based on association with another person identified with such a characteristic” (Me. Rev. Stat. tit. 20-A, § 1001.15).

One of the two Kansas laws related to bullying focuses primarily on mandating the state board of education to “designate a period of time each school year as a time for disability history and awareness” (Kan. Stat. Ann. § 72-7538(a)), as well as to “develop objectives and guidelines for disability history and awareness, for all grade levels, within the existing curriculum for history, social studies or other appropriate subject-matter curriculum” (Kan. Stat. Ann. § 72-7538(b)).

Chapter Summary

The content of the laws and regulations related to bullying and cyberbullying for the U.S. states selected for this study were analyzed multiple times, and using a codebook that became seasoned through use of an iterative process. The themes that emerged, as well as the theoretical framework of the study, were used to organize and present the findings from this analysis. Using the social-ecological perspective to structure the analysis allowed for discovery of the technical details of the laws, as well as their salience across multiple contexts, or systems, to meet the research objectives. Conclusions, implications, and recommendations are provided in Chapter Five.

Chapter Five: Study Conclusions and Recommendations

A landmark study by Nansel et al. (2003) suggests there is a strong relationship between bullying and youth violence as many incidents of bullying result in life-changing situations, whether from serious physical or psychological injury, or criminal charges due to violence that follows a child into adulthood. More recently, another study concluded that being bullied puts victims at high risk for substance abuse and suicide (Copeland et al., 2013). This is exhibited in the case of an 11-year-old brain cancer survivor, who fatally shot herself after being persistently bullied about her looks—tumor removal left her with a “crooked” (Narciso, 2016, para. 12) smile. Regrettably, each of these reports represent the desperation children reach due to lack of effective intervention. Moreover, the last decade accompanied an 83 percent increase in incidents of cyberbullying among surveyed youth (Jones et al., 2013). This is not surprising due to the corresponding increase in availability and use of mobile devices, social media, and social networking sites and apps over the same time period.

Due to its damaging effects, Wolke (2015) suggests that governments need to place more focus on efforts and resources to address bullying (para. 6). Recognizing that young people are key to sustaining the nation’s economic security, it behooves government leaders to consider and implement policy changes that reduce children’s safety risks and improve their chances for academic success. Yet, U.S. policymakers may have failed to prepare and respond with effective bullying prevention policies. Bullying and cyberbullying have become embedded in mainstream culture despite interventions put forward by school districts and the efforts of state legislators that have passed laws to prevent this damaging behavior.

This study aimed to determine and clarify similarities and differences among existing anti-bullying laws and regulations of 10 selected U.S. states, with particular attention to the

inclusion or exclusion of cyberbullying in the legislation. The results may help inform policymakers on topics that call for their further attention.

Conceptual Foundation

The social environment of our nation's youth is multilevel and multicontextual (Brown, 1999, p. 60), and bullying is a multidimensional social issue that is continually becoming more complex and problematic over time. To account for this complexity, this study was guided by the social-ecological theory put forward by Bronfenbrenner (1979) and modified by Swearer and Doll (2001). The social-ecological approach was selected because it allows for a detailed exploration into how selected U.S. states have responded to bullying with legislation, while considering the child and the surrounding environment. The social-ecological perspective advances that a child's behavior is shaped by interrelated actions among various contexts within his or her environment. It is a systems framework that allows researchers to focus on individuals and their behavior through contexts beyond those narrowly related to the subject (Bronfenbrenner, 1979; Espelage et al., 2004; Swearer & Doll, 2001). Swearer and Espelage (2004) posit that bullying takes place in four interrelated systems that comprise their social network: microsystem, mesosystem, exosystem, and macrosystem (Bronfenbrenner, 1979). The child is at the center of the microsystem, which includes direct interaction with others, as well as others' reactions to bullying (Espelage & Swearer, 2004). In this context, not only are victims affected by bullies, bullies are affected by the behavior of victims, and the behaviors of both bullies and victims influence bystanders. Interactions in the microsystem are further influenced by the mesosystem, which includes the interrelationship between two or more systems in the child's life, such as home and school (Espelage & Swearer, 2004). The exosystem symbolizes influences from contexts beyond the child's direct involvement, but that nonetheless have

reciprocal effect (Espelage & Swearer, 2004). U.S. state laws and regulations are positioned within the macrosystem, which involves less proximal influences, but also have considerable impact on the child in the microsystem. As an example, a school district's anti-bullying policy in the exosystem is actually mandated by state legislation or regulations in the macrosystem.

Bullying is often examined from the perspective of the individuals involved, but it is also a problem of the larger community (Harcourt et al., 2014, p. 13). It is crucial to consider bullying, and our leaders' responses to it, in this context, which is the focus of this study.

Methodology

To meet the research objectives, a qualitative approach was used. The researcher was the instrument for data collection and examination with the objective of gaining contextual understanding of the language of anti-bullying laws and regulations through in-depth content analysis (Bryman, 2008, p. 392; Creswell, 2009, p. 175; Kumar, 2011, p. 13). The data sources for this study were U.S. state bullying prevention laws and regulations from 10 U.S. states. Purposive sampling was used to select the states included in the analysis. To achieve sampling heterogeneity, states were selected using different points in time based on date of initial law enactment spanning 16 years, and various geographic areas of the U.S. including one state from each of the 10 standard Federal regions. A summary of the states by standard Federal region and year of initial law enactment is presented in Figure 20. Additionally, Creswell's data analysis spiral was used to guide the analysis phase of the study, which involved collecting, organizing, reading and notating, coding, interpreting, and visually representing the data (2013).

The secondary sources were collected through both state websites and the *LexisNexis* database of state laws and regulations, using *bullying* as the search term to identify relevant source documents. The text of the laws and regulations was read multiple times, and a series of

coding procedures were used that helped the researcher complete “the transitional process between data collection and more extensive data analysis” (Saldaña, 2009, p. 4), and to effectively capture the significant elements of the legislative text. To facilitate the coding and interpretation of data, the *HyperRESEARCH* software program was used to streamline the analyses and coding processes. The findings were prepared into a summative report organized using the social-ecological framework and themes identified, and presented using graphic devices within the narrative (Kumar, 2011).

State	Year Passed	Standard Federal Region
Georgia	1999	IV
Louisiana	2001	VI
West Virginia	2001	III
Washington	2002	X
California	2003	IX
Maine	2005	I
Kansas	2007	VII
New York	2010	II
Michigan	2011	V
Montana	2015	VIII

Figure 20. Selected ten states by year anti-bullying law passed and by standard Federal region.

Discussion of Key Findings

Analysis of the bullying prevention laws yielded a number of findings that were interpreted, classified, and described (Creswell, 2013). First, key discoveries related to definitional characteristics of bullying are summarized, followed by the most significant findings categorized by social-ecological systems.

Bullying definitions. This study used the research-based definition of bullying proposed by Olweus (1993) as a baseline, which includes the following characteristics, listed in order of prevalence in the laws and regulations studied: causing harm or fear of harm, intentional,

repeated over time, imbalance of power, and unwanted by victim. All 10 states included bullying definitions, and all included a reference to behavior that causes harm or the fear of harm. However, this is the only characteristic that all states incorporated in definitions of bullying. Furthermore, while all characteristics were referenced in at least one state, none of the states' bullying definitions refer to all of the characteristics. It is important to note that while all states use the term *bullying* in their statutes, several states also refer to harassment, including sexual harassment, and intimidation. Since harassment and sexual harassment also represent bullying behavior, and are referred to as bullying in comprehensive definitions by the laws in this study, these concepts were determined to be elements of bullying.

Causing harm or fear of harm. Four states' laws refer only to physical harm to a person or personal property, while the remaining states also incorporate emotional harm or detrimental mental health effects in their legal definitions of bullying and harassment. Additionally, certain statutes use a *reasonable person* standard, in referring to the victim. However, Louisiana and Montana laws refer to behavior that would place students in "reasonable fear" (La. Rev. Stat. Ann. § 17:416.13; Admin. R. Mont. § 10.55.719) of harm to person or personal property, while Kansas, Maine, Michigan, and West Virginia include both of these specifications. Furthermore, West Virginia and Maine law points to behavior a reasonable person should have known would cause harm to another individual (Me. Rev. Stat. Ann. tit. 20-A, § 6554; W. Va. Code Ann. § 18-2C-2). Moreover, only Maine's law omits a reference to a degree of harm standard that reflects language from the *Davis v. Monroe County Board of Education* (1999) Supreme Court ruling, indicating that bullying behavior is characterized as severe or pervasive, while Georgia, California, and Michigan laws further indicate that bullying behavior has a substantial effect on

the victim (Cal. Educ. Code § 48900(r); Ga. Code Ann. § 20-2-751.4; Mich. Rev. School Code Ann. § 380.1310b(10)(c)(i)).

Intentional. As the second most frequent characteristic of bullying found in the laws, only New York does not refer to bullying as an intentional act. As a unique example of a reference to intent, California law specifies bullying as behavior “that has or can be reasonably predicted to have the effect of...” (Cal. Educ. Code § 48900(r)(1)) harming another student or students. Other terms used to indicate intent are “willful” (Ga. Code Ann. § 20-2-751.4) and “purposefully” (La. Rev. Stat. Ann. §17:416.13).

Repeated over time. Only Maine, New York and Michigan omit references to this characteristic of bullying. The remaining states have clauses relating to either repeated or persistent actions, while Montana law includes references to both (Mont. Code Ann. § 20-5-208). Moreover, Louisiana law uses *pattern* in defining bullying, which implies repeated behavior, and also states is specifically related to shunning (La. Rev. Stat. Ann. § 17:416.13).

Power imbalance. Only Louisiana, Washington, and California included this characteristic in bullying definitions, and even in these states’ laws, meaning was inferred by references in the context of sexual harassment. For example, California’s Education Code states that, “submission to the conduct is explicitly or implicitly made a term or a condition of an individual's academic status, employment, or progress” (Cal. Educ. Code § 212.5), and the state’s Code of Regulations specifies, “submission to, or rejection of, the conduct by the individual is used as the basis of academic or employment decisions affecting the individual” (Cal. Code Regs. tit. 5, § 4916), suggesting that one has power over another’s academic success, access to academic resources, or “benefits and services, honors, programs, or activities available

at or through the local [educational] agency” (Cal. Code Regs. tit. 5, § 4916). Washington and Louisiana laws have similar expressions.

Unwanted by victim. Washington and California were the only states to explicitly incorporate this factor into their laws. Similar to power imbalance, these references are related to sexual harassment, as “unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact, or other verbal or physical conduct or communication of a sexual nature between two or more individuals...” (Wash. Admin. Code 392-190-056(1)). Moreover, California law stipulates that verbal sexual harassment includes “unwelcome epithets, comments, or slurs of a sexual nature” (Cal. Code Regs. tit. 5, § 4916).

Other definitional findings. All states except New York specify that bullying may be a written act. Furthermore, certain states had separate laws for definitions that included bullying, such as Georgia, Maine, Montana, New York, and West Virginia, (Ga. Code Ann. § 20-2-751.4; Me. Rev. Stat. Ann. tit. 20-A, § 6554; Mont. Code Ann. § 20-5-208; N.Y. Educ. Law § 11; W. Va. Code Ann. §18-2C-2), while others included them within related statutes, such as the code of conduct in Louisiana (La. Rev. Stat. Ann. § 17:416.13), or a policy prohibiting bullying, such as in Michigan and Washington law (Mich. Rev. School Code Ann. § 380.1310b(8)(b); Wash. Rev. Code § 28A.300.285), or pupil rights and responsibilities (Cal. Educ. Code § 48900). However, California law has individual statutes for defining hate crimes (Cal. Pen. Code § 422.55-57), sexual harassment (Cal. Educ. Code § 212.5; Cal. Code Regs. tit. 5, § 4916), and personal characteristics, nationality, race and ethnicity, religion, gender, and sexual orientation (Cal. Educ. Code §§ 210.2; 210.7; 212; 212.1; 212.3; 212.6).

Addressing cyberbullying. Most states’ laws express that bullying also includes cyberbullying, and all of the provisions and requirements behavior must meet to qualify as

bullying also apply to cyberbullying. However, Louisiana has a specific law to address cyberbullying (La. Rev. Stat. Ann. § 14:40.7). In defining this construct, states' laws refer to acts of bullying using electronic means, or electronic communications. Moreover, while most states indicate that bullying and cyberbullying occurs on school grounds, or at a school-related activity, Georgia lawmakers stipulate that the environment of cyberbullying may extend beyond school grounds (Ga. Code Ann. § 20-2-751.4). Furthermore, Louisiana's cyberbullying statute stipulates that cyberbullying applies to a minor (La. Rev. Stat. Ann. § 14:40.7). Although it is not specifically intended to address cyberbullying, Montana has a statute making it a crime to knowingly or purposely use electronic communication to threaten to inflict injury or physical harm to another person or property, and further stipulates, "the use of obscene, lewd, or profane language or the making of a threat or lewd or lascivious suggestions is prima facie evidence of an intent to terrify, intimidate, threaten, harass, annoy, or offend" (Mont. Code Ann. § 45-8-213(1)).

Macrosystem. By their nature, laws are within the macrosystem, and legal concepts were important to consider in this sphere of influence. For example, while most states limit referring to bullying as a crime, a few states directly classify bullying or cyberbullying offenses as crimes, such as Louisiana (La. Rev. Stat. Ann. § 14:40.7.D(1)). Furthermore, Washington law declares that "malicious harassment is a class C felony" (Wash. Rev. Code Ann. § 9A.36.080). In fact, only Kansas and Michigan had no mention of a criminal offense in their anti-bullying laws. Moreover, California includes several references to hate crimes and hate violence (Cal. Educ. Code § 201(d)). Furthermore, the Education Codes of California, New York, and West Virginia refer to criminal behavior in relation to policies on disciplinary actions, but New York law makes a provision for determination on whether harassment, bullying, and/or discrimination

is in fact criminal behavior prior to deciding on what action to take (N.Y. Educ. Law § 13.1.i).

In addition to these concepts, bullying prevention laws of all states, with the exception of Maine, Kansas, and Montana generally stipulate that anyone participating in effecting justice in a bullying situation will be immune from civil liability.

Only three states, Kansas, Michigan, and Montana make no mention of specific legal remedies available in their bullying prevention laws, and Louisiana lawmakers provision a fine up to five hundred dollars, imprisonment for up to six months, or both, for a cyberbullying offense (La. Rev. Stat. Ann. § 14:40.7.D(1)). Furthermore, bullying another student in Louisiana may result in criminal penalties and loss of the offending student's driver's license (La. Rev. Stat. Ann. § 17:416.20.A).

Exosystem. In the social-ecological model, the exosystem is the sphere in which a school's or school district's anti-bullying policy is found, and the potential influence on a child's experience in school is significant (Espelage & Swearer, 2004). State laws that mandate bullying prevention policies in the macrosystem require departments of education, school boards, school districts, and school administrators in the exosystem to establish and enforce them. Common elements of those prevention policy directives were policy publishing, codes of conduct, maintaining a positive school environment, staff training, complaint procedures, corrective measures, disciplinary actions, reporting bullying statistics, and funding.

Mesosystem. Most references to these interactions have been covered in the exosystem, where the statutes and regulations mandate administrators of educational entities to establish policies and procedures involving these interactions between home and the school, school district, or school board (Espelage & Swearer, 2004, p. 4). Most states have laws and regulations that specifically address provisions of those in parental relation to students and applicable

consequences for their noncompliance. Beyond requiring written acknowledgement of receipt of policies, certain parental interactions and responsibilities were stipulated, especially related to student suspension and expulsion. For example, California teachers are empowered, though not required, by law to compel parents of suspended students to attend a portion of a schoolday in his or her child's classroom (Cal. Educ. Code § 48900.1(a)). Other states' laws on student expulsion stipulate that the disciplinary process for bullying students may include parental responsibility for professional services (La. Rev. Stat. Ann. § 17:416(A)(1)(b); Me. Rev. Stat. tit. 20-A, § 1001). Moreover, Louisiana law specifies financial or recreational license suspension penalties for parents' failure to attend any required after school or Saturday intervention sessions (La. Rev. Stat. Ann. § 17:416.A(1)(c)(vi)(bb)). Although most states include allowances for parental involvement, only Montana law provisions a comprehensive family engagement policy (Admin. R. Mont. § 10.55.701(2)(m)).

Microsystem. Individual students' actual or perceived characteristics are often the motivation for bullying and several states explicitly prohibit bullying of students protected by federal civil rights legislation (Civil Rights Act of 1964, 1964). While some states recognize that other characteristics may prompt bullying or harassment, such as age, socioeconomic and family status, disabilities, handicapping conditions, religious practices, weight, sexual orientation, and gender identity and expression, only New York law demands annual reporting that includes all types of bias in bullying incidents, rather than only those involving characteristics of protected classes (Cal. Educ. Code § 210.2; Me. Rev. Stat. tit. 20-A, § 1001.15; Admin. R. Mont. § 10.55.701(2)(n); N.Y. Comp. Codes R. & Regs. § 100.2(kk); Wash. Rev. Code § 28A.300.285). Importantly, these characteristics may not be the only ones contributing to students at risk of being bullied (Swearer, Grills, Haye, & Cary, 2004), and Louisiana is the only state requiring

staff training that focuses on how to identify students most likely to become bullying victims (La. Rev. Stat. Ann. § 17:416.13(B)(2)).

Conclusions

The researcher derived four conclusions from the study findings. The following discussion for these conclusions incorporates implications for both scholarship and practice.

Conclusion 1: Cyberbullying is specifically addressed in all states’ legislation. All 10 states in the study have established legal definitions of cyberbullying, recognizing it as a problem that must be addressed through legislation, and the core definition of cyberbullying is fairly consistent among all states, with use of similar language and terms. It appears that lawmakers find it easier to simply state within bullying definitions that bullying may be an electronic act. However, Louisiana lawmakers formed a statute to specifically address cyberbullying that defines it with greater detail and uses more specific terminology. Fundamentally, Louisiana’s cyberbullying and electronic communication definitions form a complete construction of an enforceable offense against a “person under the age of eighteen” (La. Rev. Stat. Ann. § 14:40.7.A). As such, other states may benefit from using a similar approach.

Moreover, when the first bullying statute was enacted in 1999, there was no threat of cyberbullying. However, the present-day prevalence of social media use—that is often unchecked by parental authority and, therefore, uninhibited by youth—along with the inherent problems associated with this phenomenon, have likely prompted this inclusion. As states’ laws and regulations have been modified over time, most have undergone changes to focus on the more recent phenomena of near-constant access to social media sites and burn pages through mobile devices. These laws and regulations do not simply list the electronic devices currently

known, but they also allow for inclusion of others by not limiting the stipulations to specific behaviors or devices. This language makes sense in an age that is constantly evolving the means of communication and methods of promoting social connections for youth. Nevertheless, to make certain that youth remain protected, lawmakers would do well to consider the sustained damage one harmful post could inflict, maintain diligence as software and device developers continue to push innovations toward them, and revise the language of laws as necessary. Moreover, researchers can learn from states' attempts to operationalize cyberbullying and develop a research-based standard for identifying the construct, while maintaining awareness that its methods and scope are constantly changing. In the interest of children's safety, researchers and lawmakers should work together to ensure laws have clearly and thoroughly expressed definitions, as well as to identify and implement effective prevention and remediation techniques.

Conclusion 2: Bullying definitions vary among states. Some states have distinct definitions of bullying, while others use bullying, harassment, and intimidation interchangeably. Yet, researchers posit that these terms refer to different constructs, although they are similar (P. K. Smith et al., 2002, p. 1121). Moreover, clauses including *sufficiently severe or pervasive*, and *a reasonable person, under the circumstances, knows or should know*, are used in various forms relating to children's behavior and the school environment. The language related to a reasonable person appears to represent a standard legal definition for Louisiana, Washington, California, Maine, Kansas, West Virginia, and Montana. However, while lawmakers may view this as a necessity to protect entities from legal liability, the determination on what constitutes *sufficiently* or *reasonable* is still left to interpretation. In some cases, this may have the effect of putting the burden of proof on the victim. Furthermore, children may not act or react reasonably, and there

is a potential for school officials to get it wrong. The ambiguity could be improved by establishing a clearer standard that is separate from harassment and sexual harassment, and that consistently protects children from the harmful effects of bullying. A collaboration between researchers, federal and state policymakers, and representatives from the education community has the greatest possibilities for success in determining what is best. Nonetheless, the definition may need to be as fluid as the acts of bullying are, and change over time.

Conclusion 3: Documented research findings at times were considered by state lawmakers in defining bullying. Only two states, Washington and California, incorporated all of the elements in the definitions proposed by Olweus (1993). However, references to topics borne out of research, such as, written and verbal behaviors, shunning, harm, fear of harm, and environmental impact are included in some of the references to bullying in laws of those and other states. Research-based definitions may need to continue to evolve as empirical research of bullying continues and is better understood. Furthermore, lawmakers may find it necessary to include more of the findings in state legislation and consider the recommendations of Vaillancourt et al. (2008) to respect how children conceptualize bullying.

Conclusion 4: There were both similarities and differences among the anti-bullying laws and regulations. Of the 10 states included in this study, there were as many differences as similarities, which may be due to the diversity inherent in the cultures of diverse parts of the country. This became obvious through coding the source documents, as some codes were found repeatedly in hundreds of occurrences, and others found very sporadically throughout. The provisions for bullying prevention policies, complaint handling, services available, and remedial actions were widely varied among the states. While some state laws offer a basic mandate to develop and adopt a policy, others have detailed stipulations to guide the process with great

specificity. In fact, the number of individual statutes varied across states, and there was a correlation between number of laws and regulations, and their complexity. However, population size was not the primary influencer for the extent of detail with which a state's legislature addressed bullying. For example, both California and New York, two of the most populous states in the U.S., were included in the study. According to the 2010 U.S. Census data, total population in the state of California was over 37 million (U.S. Census Bureau, n.d.), with New York's total population indicated at over 19 million (U.S. Census Bureau, n.d.). However, the state of New York enacted only 16 laws related to bullying, while California had nearly 73 percent more individual statutes. Although the number of individual laws or regulations varied significantly, it is important to note that in several cases, a statute included only one short paragraph. The total number of laws, however, does not help a reader understand their contents and associated meanings.

The wide variation in policy from state to state may be to children's detriment. It is understandable to have distinct policies to account for cultural and contextual variables, such as in Montana, where a statute calls for recognition of the cultural heritage of American Indians. However, children who are victimized by their peers all hurt the same. Meaningful attention should be placed on ensuring that the legislation and regulations of each state match the significance of this social problem to ensure that no one has to deal with their son or daughter losing potential for their future lives, or committing suicide as a result of bullying.

Internal Study Validity and Limitations

Creswell (2013) suggests that strategies for ensuring validity must be implemented in qualitative studies. Therefore, specific techniques were used in this study to ensure internal validity. The researcher sought official documents to be used for analysis. The Internet was

used to search for documents, and certain states only offered links to unofficial documents on their official .gov websites. The *LexisNexis* online database is considered a reputable source for the authentic text of the law. As such, an additional search on bullying was performed for the selected states using the *LexisNexis* database and the related documents were retrieved. Both the state site and *LexisNexis* versions of the documents were compared using the legal blackline feature of word processing software to determine any differences. This feature allowed for electronic comparison of the source documents and the ability to see any differences in a third document. This triangulation of the data sources (Creswell, 2013) confirmed there were formatting inconsistencies between the documents, such as spelling out numbers versus using numerals, and no substantive textual differences.

Additionally, according to Weber (1990), some problems with validity are possible when “word meanings and category or variable definitions” (p. 15) prove to be ambiguous. As a novice in reading and understanding legal documents, the researcher sought reputable tools, and utilized the most recent edition of *Black’s Law Dictionary*, as well as the American Digest System’s online legal dictionary and encyclopedia to facilitate understanding of legal concepts and terminology. Use of these instruments enabled clear expression of code definitions, ensured a “high level of congruence between concepts and observations” (Bryman, 2008, p. 376), and resulted in richer descriptions in the narrative (Creswell, 2013).

The researcher has been an advocate for abused and neglected children for many years, and has grandchildren who have been victims and witnesses of bullying. Due to this background and experience, the possibility that preconceptions could have influenced the interpretation was explicitly stated. Furthermore, any potential bias was moderated by reading and coding the

source documents multiple times using a constant comparison method (Corbin & Strauss, 2008) to ensure credibility and the ability to confirm study results (Bryman, 2008).

Moreover, the volume of content to be analyzed was extensive. Therefore, an electronic spreadsheet was used to support the process of keeping field notes managed and organized. *HyperRESEARCH* was used to electronically manage the repetitive coding process. Use of qualitative data analysis software with this iterative process helped to ensure the documents were coded objectively, thoroughly, and consistently.

Finally, the study was limited to only 10 states. Although these states were selected for heterogeneity from various regions and years of initial enactment that span 16 years, this sample represents only 20 percent of all states, and may not be representative of all states and all bullying prevention laws.

Recommendations for Future Research

Based on the conceptual foundation of this study and the research findings, several recommendations are proposed by the researcher for future study. First, additional studies should be performed using the social-ecological framework, as it enables the framing of the complex phenomenon of bullying contextually. The social-ecological theory provides a framework through which various aspects may be understood. This study focused primarily on laws in the macrosystem; however, this framework may be used to further understand interactions between other systems, and how interactions between systems affect bullies, victims, bully-victims, and bystanders. In fact, systems approaches to understanding other constructs have been effective. The researcher believes that continuous studies that consider not only the children in the microsystem, but also the environments in which children operate, are critical to understanding bullying in totality and devising meaningful and effective solutions. Additionally,

a study of the remaining states' laws and regulations using the social-ecological framework would help researchers fill additional gaps in the literature, and policymakers identify areas where their laws may be improved in the interest of saving children from the harmful effects of bullying. For example, researchers may be able to understand how state culture affects legislation and regulations. Moreover, at a more local level, additional research to determine how teachers contextually define bullying is warranted (Lee, 2006). Their preconceptions matter while in staff training, in the classroom, and on school playgrounds. A greater understanding of those preconceptions would be valuable to researchers and lawmakers, as they may impact the bullying prevention process.

Furthermore, empirical research must keep current on issues of definition and scope. Just as bullying research has evolved over time, researchers will benefit from keeping abreast of the changes to the legal requirements related to bullying, as well as to influence changes to laws, especially related to indirect bullying and cyberbullying, which have been studied less frequently.

Finally, effectiveness studies should be conducted in each state to determine the extent to which laws and regulations are frequently modified to meet current needs and behaviors, to eliminate ambiguity, and to increase effectiveness in preventing bullying.

Closing Comments

This study set out to explore existing anti-bullying laws of 10 states from various regions throughout the U.S., and to identify the extent to which they address protecting children from bullying. More specifically, this research involved performing a thorough analysis of those laws to determine and clarify similarities and differences among them with specific attention to the inclusion or exclusion of cyberbullying in the legislation. It is the researcher's hope that the

study results emphasize an imperative that work on preventing bullying continues, both through scholarship and policymaking, and that it informs policymakers on topics that warrant their further attention.

The frequent news stories about the continued bullying of children are a constant reminder of the researcher's earliest experience with bullying, that the effects of bullying can begin at an early age and cause problems that persist into adulthood, or end in suicide. Current efforts to stop it are evidently ineffectual, and the pace of social media development and adoption—through which a great deal of bullying occurs—is increasing. The researcher's enduring advocacy for the most vulnerable in our society is a factor in this determination, but our policies should reflect formalized and relevant advocacy for children too.

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APPENDIX A

Social Networking Apps and Websites Commonly Used for Cyberbullying

Table A1

Social Networking Apps and Websites Commonly Used for Cyberbullying

Name	Type	Minimum Age	Description
After School	Private social networking	17	Post anonymously on private school message board.
Ask.fm	Social networking site	13	Ask and answer questions about others in the global community.
BurnBook	Message board	—	Post anonymously on a message board
Burn Note	Mobile private messaging	15	Share text messages that are seen a little at a time by moving finger or mouse over text; automatically erases after a set period of time.
Club Penguin	Multiplayer online game	13	Virtual world game, including a range of built-in mini games and chatting.
Facebook	Online social networking	13	Post and share comments, photos and videos, tag photos, send and accept friend requests.
Instagram	Micro-blogging	15	Share and comment on photos and 15-second videos, or private messaging.
Kik	Text messaging	13	Text messaging.
Messenger	Text messaging	13	Text and video messaging.
ooVoo	Video call, text, voice messaging	16	Group video, text, and voice chats with up to 12 approved people.
Pheed	Social networking	16	Share text, photos, videos, and audio. Can combine Facebook, Tumblr, Twitter, and Vine into one feed.
Pinterest	Social networking	13	Photo sharing and bookmarking based on interests.
Snapchat	Photo and video sharing	16-	Share and view photos and videos that self-destruct after a user-defined time limit.
Tango	Video call, text, voice	16	Group video, text, and voice calls.
Tumblr	Micro-blogging	13	Share text, photos, video, and audio.
Twitter	Micro-blogging	—	Post up to 140-character messages.
Vine	Micro-blogging	15	Post and view 6-second video clips.
WhatsApp	Mobile messaging	17	Text, audio, and video messaging.
Whisper	Mobile social media	13	Share and view anonymous posts with background images.
Yik Yak	Mobile social media	18	Share brief comments to the 500 users in closest proximity, vote on and reply to posted comments.
YouTube	Video sharing	13	Share videos publicly or in private groups.

Source: Company website terms of use/service, and “15 Apps Kids Are Heading to After Facebook,” by P. Conway. Copyright 2016, Common Sense Media Inc.

APPENDIX B

IRB Approval Letter



Pepperdine University
24255 Pacific Coast Highway
Malibu, CA 90263
TEL: 310-506-4000

NOTICE OF APPROVAL FOR HUMAN RESEARCH

Date: November 04, 2016

Protocol Investigator Name: Carol McLain

Protocol #: 16-04-240

Project Title: Bullying in America: New Challenges for Public Policy

School: Graduate School of Education and Psychology

Dear Carol McLain:

Thank you for submitting your application for exempt review to Pepperdine University's Institutional Review Board (IRB). We appreciate the work you have done on your proposal. The IRB has reviewed your submitted IRB application and all ancillary materials. Upon review, the IRB has determined that the above entitled project meets the requirements for exemption under the federal regulations 45 CFR 46.101 that govern the protections of human subjects.

Your research must be conducted according to the proposal that was submitted to the IRB. If changes to the approved protocol occur, a revised protocol must be reviewed and approved by the IRB before implementation. For any proposed changes in your research protocol, please submit an amendment to the IRB. Since your study falls under exemption, there is no requirement for continuing IRB review of your project. Please be aware that changes to your protocol may prevent the research from qualifying for exemption from 45 CFR 46.101 and require submission of a new IRB application or other materials to the IRB.

A goal of the IRB is to prevent negative occurrences during any research study. However, despite the best intent, unforeseen circumstances or events may arise during the research. If an unexpected situation or adverse event happens during your investigation, please notify the IRB as soon as possible. We will ask for a complete written explanation of the event and your written response. Other actions also may be required depending on the nature of the event. Details regarding the timeframe in which adverse events must be reported to the IRB and documenting the adverse event can be found in the *Pepperdine University Protection of Human Participants in Research: Policies and Procedures Manual* at community.pepperdine.edu/irb.

Please refer to the protocol number denoted above in all communication or correspondence related to your application and this approval. Should you have additional questions or require clarification of the contents of this letter, please contact the IRB Office. On behalf of the IRB, I wish you success in this scholarly pursuit.

Sincerely,

Judy Ho, Ph.D., IRB Chair



Pepperdine University
24255 Pacific Coast Highway
Malibu, CA 90263
TEL: 310-506-4000

cc: Dr. Lee Kats, Vice Provost for Research and Strategic Initiatives

Mr. Brett Leach, Regulatory Affairs Specialist

APPENDIX C

EDOL Course Requirements Completed

Table C1

EDOL Course Requirements Completed

Course Requirements Completed			
Term	Course ID	Course Title	Faculty
Fall 2010	EDOL 714	Organizational Behavior, Theory and Design	Dr. June Schmieder-Ramirez
Fall 2010	EDOL 724	Ethics and Personal Leadership	Dr. Farzin Madjidi
Fall 2010	EDOL 755	E-Learning Theory and Practice	Dr. Kathleen Plinske
Spring 2012	EDOL 700	Leadership Theory and Practice	Dr. Farzin Madjidi
Spring 2012	EDOL 763	Program Learning, Design & Evaluation	Dr. Jack Gregg
Spring 2012	EDOL 766	Research Design & Analysis	Dr. Kay Davis
Summer 2012	EDOL 754A	Economic and Political Systems	Dr. Farzin Madjidi
Summer 2012	EDOL 754B	International Policy Experience	Dr. Farzin Madjidi
Summer 2012	EDOL 758A	Consultancy Project	Dr. Ronald D. Stephens
Fall 2012	EDOL 734	Advanced Data Analysis and Interpretation	Dr. AnnMaria DeMars
Fall 2012	EDOL 764	Consultancy Project (Implementation)	Dr. Ronald D. Stephens
Fall 2012	EDOL 767	Qualitative Research & Analysis	Dr. Leo Mallette
Spring 2013	EDOL 759	Law and Dispute Resolution	Dr. John Tobin
Spring 2013	EDOL 765	Strategic Leadership & Management of Global Change	Dr. June Schmieder-Ramirez
Spring 2013	EDOL 785	Contemporary Topics	Dr. Ronald D. Stephens
Summer 2013	EDOL 753	Leadership, Advocacy, Policy Development	Dr. Jack McManus
Summer 2013	EDOL 757	Entrepreneurship	Dr. Vance Caesar
Fall 2013	EDOL 787	Comprehensive Exam Seminar	Dr. June Schmieder-Ramirez
Spring 2014 to Summer 2017	EDOL 791	Dissertation Seminar	Dr. Kay Davis