



# **BULLYING AND HARASSMENT COMPLIANCE REPORT**

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## Introduction

The Tennessee Department of Education agrees with the General Assembly that “a safe and civil environment is necessary for students to learn and achieve high academic standards.”<sup>1</sup> The Department recognizes the negative effects that bullying and harassment have on students, their educational achievement, and their overall growth. Bullying and harassment have no part in our schools, and the Department is dedicated to responsibly and effectively addressing bullying and harassment in Tennessee public schools.

Based on the information available to the Department, each local education agency (LEA)<sup>2</sup> in Tennessee satisfied the requirements of the state bullying and harassment laws (TCA §49-6-4501 through §49-6-4506) and submitted bullying compliance information to the Department on its compliance report form for the 2020-21 school year.<sup>3</sup> The bullying compliance information for each LEA is included in the Appendix.

## Total Number of Bullying Cases Reported Statewide

According to the data submitted to the Department, 5,355 cases of bullying were reported to LEAs during the 2020-21 school year. Approximately 38 percent of those cases – 2,012 – were confirmed as bullying after an investigation.

2020-21 Tennessee Bullying Cases		
Total number of bullying cases reported in the 2020-21 school year	5,355	
Total number of confirmed cases of bullying	2,012	38%
Total number of confirmed cases involving race, color, or national origin	262	4.9%
Total number of confirmed cases involving sex or gender	453	8.5%
Total number of confirmed cases involving disability	88	1.6%
Total number of confirmed cases involving the use of electronic technology	559	10.4%
Total number of cases still pending	20	<0.5%

<sup>1</sup> Tennessee Code Annotated (TCA) § 49-6-4501.

<sup>2</sup> Reference to LEAs includes all Tennessee school districts and the state special schools (Alvin C. York Agricultural Institute, Tennessee School for the Blind, Tennessee School for the Deaf, and West Tennessee School for the Deaf).

<sup>3</sup> Prior to the passage of the state bullying laws, the Department annually collected civil rights compliance information from LEAs, in order to comply with federal civil rights laws. To facilitate the submission of all compliance information, the Department merged the compliance information into one document – the Civil Rights and Bullying Compliance Report. LEA-specific information is included as an appendix to this document.

## Discussion

While every child must learn how to interact with others and deal with difficult situations, they do not have to tolerate being bullied or harassed. Although several definitions exist, under Tennessee law, “harassment, intimidation, or bullying” is any act that substantially interferes with a student's educational benefits, opportunities, or performance and:

- If the act takes place on school grounds, at any school-sponsored activity, on school-provided equipment or transportation, or at any official school bus stop, the act has the effect of:
  1. Physically harming a student or damaging a student's property;
  2. Knowingly placing a student or students in reasonable fear of physical harm to the student or damage to the student's property;
  3. Causing emotional distress to a student or students; or
  4. Creating a hostile educational environment; or
- If the act takes place off school property or outside of a school-sponsored activity, it is directed specifically at a student or students and has the effect of creating a hostile educational environment or otherwise creating a substantial disruption to the education environment or learning process.<sup>4</sup>

“Cyber-bullying” is defined as bullying undertaken through the use of electronic devices.<sup>5</sup>

The 2020-21 school year saw a *decrease* in the number of bullying cases reported, as well as the number of confirmed bullying cases. This is the third year the number of bullying cases has decreased in the last three years. During the 2019-20 school year, there were 8,590 bullying cases reported and 3,917 confirmed cases of bullying. And during the 2018-19 school year, there were 10,934 bullying cases reported and 5,914 confirmed cases of bullying. The 2020-21 school year reports indicate an over forty-eight (48) percent decrease in the number of confirmed bullying cases.

The Department continues to solicit feedback and insights from districts and continues to assess what steps are needed to ensure an even further reduction in bullying going forward. The Department suspects the decrease in the number of confirmed bullying cases during the 2020-21 school year could be explained by student participation in online and virtual learning opportunities offered by LEAs as a result of the COVID 19 pandemic. These numbers could also suggest that students, parents, and district staff are becoming more aware of the fact that bullying is prohibited and must be reported and are improving in their ability to distinguish between peer conflict and bullying.

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<sup>4</sup> Tennessee Code Annotated (TCA) § 49-6-4502(a)(3).

<sup>5</sup> Tennessee Code Annotated (TCA) § 49-6-4502(a)(1).

In school years 2015-16 to 2019-20, the gap between the number of reported cases of bullying and the number of confirmed cases of bullying was significant. Last year, for example, there were 4,673 cases where bullying was reported but was not confirmed—around fifty-four (54) percent of all reported cases. In the 2020-21 school year, the disparity between reported cases and cases where bullying occurred numbered at 3,343 cases—nearly ten percentages points more. As noted in prior years, many students, parents, teachers, and administrators struggle with distinguishing peer conflict from bullying and other types of peer abuse. It is not uncommon for parents to refer to a situation as “bullying” when the facts instead indicate teasing, for example. Therefore, the gap could be attributed to people assigning the term “bullying” to a situation that does not truly meet the legal definition of “bullying.” This reveals the need for additional community education on what bullying is and is not. Continued education and training will aid students, staff, administrators, and community members to accurately identify behavior as bullying, harassment, intimidation, or cyber-bullying versus simple peer-to-peer conflict or childish behavior.

The use of technology is necessary in today's educational environments. The increase of social media and technology has changed the way educators teach, how students learn, and the way teachers and students communicate. Therefore, schools and LEAs must balance the inclusion of technology in schools and maintaining a safe environment for students to use technology. As found by our General Assembly, “[t]he use of telephones, cellular phones or other wireless telecommunication devices, personal digital assistants (PDAs), computers electronic mail, instant messaging, text messaging, and websites by students in a manner that is safe and secure is essential to a safe and civil learning environment and is necessary for students to successfully use technology.”<sup>6</sup> Accordingly, schools, LEAs, and parents must be vigilant and explore safe ways for students to use technology. Parents must pay attention to what children do online and set rules regarding the use of technology and school policies regarding the use of technology must be effectively communicated to students and parents. In the 2020-21 school year, around ten and four tenths (10.4) percent of bullying cases in Tennessee involved electronic devices.

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<sup>6</sup> Tennessee Code Annotated (TCA) § 49-6-4501(4).

As always, the Department remains committed to assisting LEAs in their implementation of initiatives and policies to prevent and address bullying, harassment, intimidation, and cyber-bullying. The Department anticipates and remains hopeful that bullying, harassment, intimidation, and cyber-bullying cases will continue to decline in the years ahead. The Department trusts that the state anti-bullying and harassment laws, this report, and the attached compliance information will continue to help eliminate bullying, harassment, intimidation, and cyber-bullying in Tennessee public schools. The Department renews its commitment to improving in this area, in addition to many others, during the upcoming school years.

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