



# Bullying and Harassment Compliance Report

Updated December 2023



# Introduction

Pursuant to Tenn. Code Ann. § 49-6-4501, a safe and civil environment is necessary for students to learn and achieve high academic standards. The Tennessee Department of Education (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 assisting local education agencies (LEAs) to responsibly and effectively address bullying and harassment in Tennessee public schools.

Based on the information available to the department, each LEA in Tennessee satisfied the requirements of the state bullying and harassment laws (Tenn. Code Ann. § 49-6-4501 through § 49-6-4506) and submitted bullying compliance information to the department on its compliance report form for the 2022-23 school year.<sup>1</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, 13,377 cases of bullying were reported to LEAs during the 2022-23 school year. Approximately 44% of those cases – 5,996 – were confirmed as bullying after an investigation.

<b>2022-23 Tennessee Bullying Cases</b>		
Total number of bullying cases reported in the 2022-23 school year	13,377	
Total number of confirmed cases of bullying	5,996	44%
Total number of confirmed cases involving race, color, or national origin	635	4.7%
Total number of confirmed cases involving sex or gender	929	6.9%
Total number of confirmed cases involving disability	227	1.6%
Total number of confirmed cases involving the use of electronic technology	1,009	7.5%
Total number of cases still pending	102	<1%

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<sup>1</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

Although several definitions of bullying exist, Tennessee law includes the definition that is required to be used by LEAs. The law provides that “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>2</sup>

“Cyber-bullying” is defined as bullying undertaken through using electronic devices.<sup>3</sup>

## a. Total Number of Reported and Confirmed Bullying Cases

While the 2022-23 school year saw an increase in the number of bullying cases reported, there was a slight decrease in the percentage of confirmed bullying cases compared to the previous school year. In the 2022-23 school year, 44% of reported cases were confirmed bullying. During the 2021-22 school year, there were 10,112 bullying cases reported and 4,704 confirmed cases of bullying, representing 47% of cases. The 2022-23 school year reports show a 3% decrease in the number of confirmed bullying cases compared to the 2021-22 school year.

In contrast, the 2022-23 school year reports show a 6% increase in the number of confirmed bullying cases compared to the 2020-21 school year. There were 5,355 bullying cases reported and 2,012 confirmed cases of bullying during the 2020-21 school year. The department suggests these low numbers of reported and confirmed cases of bullying could be related to large numbers of students participating in online and virtual learning during the 2020-21 school year due to the COVID 19 pandemic.

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<sup>2</sup> Tenn. Code Ann. § 49-6-4502(3)(A)-(B).

<sup>3</sup> Tenn. Code Ann. § 49-6-4502(1).

The department continues to solicit feedback and insights from LEAs to continue to assess how the department can further support LEAs to reduce bullying. The department suspects the slight decrease in the number of confirmed bullying cases during the 2022-23 school year could be explained by several factors. These factors may include:

1. An increase in training for students and school staff on bullying issues to better identify the type of conduct that can be identified as bullying under the definition in state law. Students, parents, and LEA staff may have improved their ability to distinguish between peer conflict and bullying.
2. Stronger, more comprehensive policies addressing bullying and the expectation that such conduct will not be tolerated among students. This may also include additional education on bullying prevention strategies and programs.
3. Increased awareness of bullying and reporting among students. Some schools may have encouraged students to report bullying incidents earlier, resulting in the initial increase in the raw number of reported bullying cases. However, the improved reporting may have also led to earlier intervention and a reduction of the number of confirmed cases.
4. Increased focus on counseling and mental health supports. Schools may have provided more access to counseling and mental health supports for students to address the underlying causes of bullying behavior.
5. Increased supervision and monitoring of students to deter bullying behavior more effectively.

b. *Bullying Cases Involving Protected Classes*

For the 2022-23 school year, there were 635 bullying cases involving race, color, or national origin. This represents 4.7% of total cases. When compared to the 2021-22 school year, where the number of cases involving race, color, or national origin represented 5.8% of cases, there was almost a full percentage point decrease in cases. While this decrease could be attributed to several factors, including those previously mentioned, it may also be that students are taking a more active role in speaking out against racial discrimination and harassment in schools.

For the 2022-23 school year, there were 929 bullying cases involving sex or gender, 6.9% of total cases when compared to the 8.7% of cases for the 2021-22 school year. In May 2020, the U.S. Department of Education amended its Title IX regulations to add “specific, legally binding steps” schools must take to respond to allegations of sexual harassment.<sup>4</sup> These steps provided for a detailed grievance process, including notices and disclosures to parties as well as providing adequate supportive measures.

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<sup>4</sup> *Questions and Answers on the Title IX Regulations on Sexual Harassment*, U.S. DEPT. OF ED., <https://www2.ed.gov/about/offices/list/ocr/docs/202107-qa-titleix.pdf> (June 28, 2022).

The almost 2% decrease in bullying cases compared to the 2021-22 school year may be attributed to these more prescriptive regulations as schools may have been better equipped to address sexual harassment as they applied the new legal standards.

Bullying cases involving disability represented 1.6% of cases for the 2022-23 school year. By comparison, these cases represented 1.4% of cases for the 2021-22 school year. For the 2020-21 school year, these cases also represented 1.6% of total bullying cases. Given that the numbers for this year are consistent with 2020-21, is possible that this slight increase is not statistically significant. However, the department will continue to monitor these numbers for subsequent school years to determine whether they demonstrate a problematic trend in these cases.

c. *Bullying Cases Involving Electronic Devices*

For the 2022-23 school year, the number of bullying cases involving electronic devices represented 7.5%. In the 2021-22 school year, these cases represented 9.9%.

As noted in the 2021-22 Bullying and Harassment Compliance Report, 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. According to the Cyberbullying Research Center, 45.5% of middle and high school students reported being the target of cyberbullying nationwide.<sup>5</sup> Given the ubiquity of cellphones, social media, and increased use of technology in the classroom, the department expected this trend to rise.

In addition to the factors previously mentioned, this decrease in cases could be attributed to an increased awareness of the potential adverse impacts social media may have on student mental health. It is important that LEAs balance the inclusion of technology in schools and maintain 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.

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<sup>5</sup>Justin W. Patchin, Cyberbullying Research Center, *Summary of Our Cyberbullying Research (2007-2021)*, <https://cyberbullying.org/Cyberbullying-Research-In-Review.pdf> (June 22, 2022).

<sup>6</sup> Tenn. Code Ann. § 49-6-4501(4).

Although the department is pleased to see this percentage decreased for the 2022-23 school year, the department will continue to monitor these numbers and provide support for LEAs and families as they navigate new developments in technology in the classroom.

## **Conclusion**

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 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.