



TENNESSEE DEPARTMENT OF

**EDUCATION**

FIRST TO THE TOP

# **BULLYING AND HARASSMENT COMPLIANCE REPORT**

**Updated December 2013**

**Kevin Huffman  
Commissioner of Education**

Tennessee Department of Education  
Andrew Johnson Tower, 9<sup>th</sup> Floor  
710 James Robertson Parkway  
Nashville, TN 37243  
<http://tn.gov/education>

## Introduction

The Tennessee Department of Education (TDOE) 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> TDOE recognizes the negative effect that bullying and harassment has on students, their educational achievement, and their overall growth. Bullying and harassment have no part in our schools and TDOE is dedicated to responsibly and effectively addressing bullying and harassment in Tennessee public schools.

Based on the information available to TDOE, 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 TDOE on its compliance report form.<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, 9,537 cases of bullying were reported to LEAs during the 2012-2013 school year. Approximately 78% of those cases – 7,460 – were confirmed as bullying after investigation.

2012-2013 Tennessee Bullying Cases		
Total number of bullying cases reported in the 2012-2013 school year	9,537	
Total number of cases indicating bullying occurred	7,460	78.22%
Total number of cases involving race, color, or national origin	334	3.50%
Total number of cases involving sex or gender-based discrimination	754	7.91%
Total number of cases involving disability	170	1.78%
Total number of cases involving the use of electronic technology	607	6.36%
Total number of cases still pending	3	0.03%

## Additional Discussion

Bullying is a specific type of harassment. In its true form, bullying is peer abuse. Although several definitions of bullying exist, three critical elements generally are:

- Aggressive behavior,
- Typically involves a pattern of behavior repeated over time, and
- An (actual or perceived) imbalance of power or strength.

Unfortunately, distinguishing peer conflict from peer abuse is not an easy task. The gap between reported cases and confirmed cases of bullying (also seen in individual LEAs) reveals the need

---

<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 TDOE 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 TDOE merged the compliance information into one document – the 2012-2013 Civil Rights and Bullying Compliance Report.

for additional community education. With increased awareness of bullying comes increased – and at times, overuse – of the term “bullying.” Continued education and training will aid students, staff, administrators, and community members to accurately identify behavior as bullying, conflict, harassment, or simple childish behavior.

To help educate school staff and administrators on bullying, harassment and applicable state and federal laws, the TDOE’s office of safe and support schools organized trainings. TDOE’s Office of General Counsel partnered with Rodger Dinwiddie<sup>4</sup> to provide these trainings. The office of safe and supportive schools held three trainings during the 2012-2013 school year, has already held three thus far this school year, and intends to host three additional trainings later in the spring. Trainings are indicated at right.

### **TDOE Bullying and Civil Rights Trainings**

#### 2012-2013 School Year

- April 4 – Nashville
- April 10 - Harriman
- April 15 - Jackson

#### 2013-2014 School Year

- September 23 - Nashville
- September 25 - Knoxville
- September 27 - Jackson

Declining to categorize circumstances as bullying does not mean that an LEA does not respond. The United States Department of Education Office for Civil Rights (OCR) published guidance reminding schools to continue to address civil rights laws - Title VI of the Civil Rights Act of 1964 (Title VI) and Title XI of the Education Amendments of 1972 (Title IX). As OCR stated, “by limiting its response to a specific application of its anti-bullying disciplinary policy, a school may fail to properly consider whether the student misconduct also results in discriminatory harassment....The label used to describe an incident (e.g., bullying, hazing, teasing) does not determine how a school is obligated to respond. Rather, the nature of the conduct itself must be assessed for civil rights implications.”<sup>5</sup> In practice, a reported Title VI concern may also be a bullying issue. Similarly, a bullying report may actually be sexual harassment to be addressed under Title IX. Tennessee school staff and administrators are working to differentiate between harassment and bullying under their respective LEA policies, address the conduct appropriately, and maintain safe and healthy scholastic environments across the state.

Lastly, there is no “quick fix” for bullying. In addition to responding to bullying, LEAs are also implementing initiatives and policies to *prevent* bullying. Positive school climate and behavior expectations compliment effective LEA response and discipline.

The TDOE trusts the state bullying and harassment laws, this report, and the attached compliance information will contribute to effectively eliminating bullying in Tennessee public schools. TDOE looks forward to improving in this area, in addition to many others, this school year.

---

<sup>4</sup> Mr. Rodger Dinwiddie is a Certified National Lead Trainer for the Olweus Bullying Prevention Program, a Blueprint Violence Prevention program recognized by the U.S. Department of Justice’s Office of Juvenile Justice and Delinquency Prevention. Mr. Dinwiddie is also the long-time Chief Executive Officer of STARS Nashville. “STARS exists to serve schools and communities by providing prevention, intervention, and treatment services addressing bullying, substance abuse, violence, and social and emotional barriers to success.” <<http://starsnashville.org>>.

<sup>5</sup> Dear Colleague Letter, issued October 26, 2010, available at <<http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.html>>.