



TENNESSEE DEPARTMENT OF

EDUCATION

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BULLYING AND HARASSMENT COMPLIANCE REPORT

Updated December 2014

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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.”¹ The TDOE recognizes the negative effect 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 TDOE is dedicated to responsibly and effectively addressing bullying and harassment in Tennessee public schools.

Based on the information available to the TDOE, each local education agency (LEA)² 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.³ 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, 10,160 cases of bullying were reported to LEAs during the 2013-14 school year. Approximately 69% of those cases – 6,959 – were confirmed as bullying after investigation.

2013-14 Tennessee Bullying Cases		
Total number of bullying cases reported in the 2013-14 school year	10,160	
Total number of cases indicating bullying occurred	6,959	68.5%
Total number of cases involving race, color, or national origin	326	3.2%
Total number of cases involving sex or gender-based discrimination	1329	13.1%
Total number of cases involving disability	188	1.9%
Total number of cases involving the use of electronic technology	665	6.5%
Total number of cases still pending	5	Less than 1%

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.

¹ Tennessee Code Annotated (TCA) §49-6-4501.

² 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)

³ 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 2013-14 Civil Rights and Bullying Compliance Report. LEA specific information is included as an appendix to this document.

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 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 simply childish behavior.

To help educate school staff and administrators about bullying, harassment, and applicable state and federal laws, the TDOE’s office of safe and support schools organizes trainings. The TDOE’s Office of General Counsel partnered with Rodger Dinwiddie⁴ to provide these trainings. The office of safe and supportive schools held six trainings during the 2013-14 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.

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). However, the OCR also cautioned that “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.”⁵ 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.

While the number of bullying cases has risen since last year, the TDOE believes this may be attributed to anomalies with reporting. As stated above, increased awareness of bullying in schools and at home often causes increased use of the term “bullying.” The TDOE has dedicated many resources to ensure that LEAS are trained on how to accurately identify and report bullying.

TDOE Bullying and Civil Rights Trainings

2013-14 School Year

- September 23, 2013 - Nashville
- September 25, 2013 - Knoxville
- September 27, 2013 – Jackson
- April 14, 2014 – Nashville
- April 16, 2014 – Jackson
- April 24, 2014 – Oak Ridge

2014-15 School Year

- September 9, 2014 – Oak Ridge
- September 15, 2014 – Nashville
- September 18, 2014 – Jackson
- March 3, 2015 – Nashville
- March 4, 2015 – Morristown
- March 17, 2015 – Jackson

⁴ 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.” For more information, visit <http://starsnashville.org>.

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

If an LEA believes that students or community members over-utilize the term “bullying,” an LEA should increase its education and training to enable community members to accurately understand “bullying” and differentiate it from other forms of inappropriate behavior. The TDOE remains committed to assisting LEAS in their implementation of initiatives and policies to prevent and address bullying. Moreover, it is important to note that the bullying compliance report also requires an LEA to report the number of cases of *confirmed* bullying, and this second number provides context and contrast to the number of reported cases. The number of confirmed bullying cases has decreased nearly 10 percent this year dropping from 78% in 2012-2013 school year to 68.5% for the 2013-2014 school year. Thus, the TDOE anticipates and remains hopeful that bullying cases will decline in the years ahead. 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. The TDOE looks forward to improving in this area, in addition to many others, this school year.