



BULLYING AND HARASSMENT COMPLIANCE REPORT

Updated December 2019

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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.”¹ 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)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 Department on its compliance report form for the 2018-19 school year.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, 10,934 cases of bullying were reported to LEAs during the 2018-19 school year. Approximately 54 percent of those cases – 5,914 – were confirmed as bullying after an investigation.

| 2018-19 Tennessee Bullying Cases | | |
|--|--------|-------|
| Total number of bullying cases reported in the 2018-19 school year | 10,934 | |
| Total number of confirmed cases of bullying | 5,914 | 54% |
| Total number of confirmed cases involving race, color, or national origin | 413 | 6.9% |
| Total number of confirmed cases involving sex or gender | 859 | 14.5% |
| Total number of confirmed cases involving disability | 199 | 3.3% |
| Total number of confirmed cases involving the use of electronic technology | 880 | 14% |
| Total number of cases still pending | 241 | 4% |

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 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.⁴

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

The 2018-19 school year saw a *decrease* in the number of bullying cases reported, as well as the number of confirmed bullying cases. This is the first year the number of bullying cases has decreased in the last three years. During the 2016-17 school year, there were 12,244 bullying cases reported and 6,393 confirmed cases of bullying. And, during the 2017-18 school year, there were 12,463 bullying cases reported and 6,653 confirmed cases of bullying. The 2018-2019 school year reports indicate an over twelve (12) 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 decreased numbers could be explained, in a small part, by the increase in the number of unresolved cases at the time of the report—four (4) percent of cases in 2018-2019 as compared to the less than one (1) percent of cases in 2017-2018. 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.

⁴ Tennessee Code Annotated (TCA) § 49-6-4502(a)(3).

⁵ Tennessee Code Annotated (TCA) § 49-6-4502(a)(1).

In school years 2014-15 to 2017-18, 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 5,810 cases where bullying was reported but was not confirmed—around forty-six (46) percent of all reported cases. In the 2018-2019 school year, the disparity between reported cases and cases where bullying occurred numbered at 5,020 cases—roughly around the same percentage. 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.

To help educate school staff and administrators about bullying, harassment, intimidation, cyber-bullying, and applicable state and federal laws, the Department’s office of safe and supportive schools organizes biannual “Bullying Policy to Practice” trainings. The Department’s office of civil rights partnered with Rodger Dinwiddie⁶ of STARS in Nashville, to provide these trainings. The office of safe and supportive schools held six trainings during the 2018-19 school year, has already held three thus far this school year, and intends to host three additional trainings later in the spring.

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

TDOE Bullying and Civil Rights Trainings

2019-19 School Year

- April 2, 2019 – Middle TN
- April 3, 2019 – West TN
- April 5, 2019 – East TN

2019-20 School Year

- December 9, 2019 – Middle TN
- December 13, 2019 – East TN
- (rescheduled to Jan. 2020) – West TN

⁶ 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>.

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 web sites 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.”⁷ 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 2018-19 school year, around fourteen (14) percent of bullying cases in Tennessee involved electronic devices.

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.

⁷ Tennessee Code Annotated (TCA) § 49-6-4501(4).