

A Descriptive Analysis of Harassment, Intimidation, and Bullying Student Behaviors

2012-2013





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A Descriptive Analysis of Harassment, Intimidation, and Bullying Student Behaviors: 2012-2013

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February, 2014

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Keywords

Intervention, Prevention, Bullying, Harassment, Intimidation, Discipline, Disparity

Suggested Citation

Whisman, A. (2014). *A descriptive analysis of harassment, intimidation, and bullying student behaviors: 2012-2013*. Charleston, WV: West Virginia Department of Education, Division of Teaching and Learning, Office of Research

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This research study was reviewed and approved by the West Virginia Department of Education Institutional Review Board (WVDE-IRB-021). Should you desire additional details about this study's approval status, you may contact the WVDE IRB chairperson, Patricia Cahape Hammer (phammer@access.k12.wv.us).

Executive Summary

This report describes the occurrence of discipline referrals and corresponding interventions and consequences used by schools for *harassment*, *intimidation*, and *bullying* behaviors during the 2012-2013 school year.

Method of study. Using data entered into the West Virginia Education Information System (WVEIS), we conducted two sets of analyses—one focusing on discipline referrals to examine the number, seriousness, and types of harassment, intimidation, and bullying behaviors and interventions used by schools; and a second addressing questions about the characteristics of students reported for these behaviors.

Findings. Of the 220,656 student discipline referrals reported in WVEIS, 5,474 (2.5%) were for harassment, intimidation, and bullying behaviors. Most of these referrals were at the middle school level (49%) followed by high school and elementary school at 25% each. Students referred for harassment, intimidation, and bullying behaviors also were referred for other categories of inappropriate behaviors, including disruptive/disrespectful conduct (43%), failure to obey rules/authority (31%), aggressive conduct (12%), and tardiness or truancy (11%). Unspecified or district-defined disciplinary actions accounted for 23% of interventions or consequences used by schools in response to harassment, intimidation, or bullying behaviors. Of the remaining, 31% were out-of-school suspensions, followed by in-school suspensions (21%), detentions (9%), and administrator/teacher and student conferences (6%). All other interventions or consequences were used at lower rates.

Of the 4,409 students referred for disciplinary action for harassment, intimidation, or bullying behaviors, most (83%) were referred for a single offense. Nearly three quarters (74%) of the students were male. White students were present at a slightly lower rate than their respective statewide representation (87% vs. 91%), while Black students were present at a higher rate (10% vs. 5%). Other races were present in roughly the same proportions as their representation in the overall student population. A quarter (25%) of students referred for these behaviors were identified as eligible for special education services. Risk ratio calculations indicate Black students were twice as likely to experience discipline referrals for these behaviors compared to White students, and multiple race students were 1.5 times more likely. Similarly, students with disabilities were twice as likely to be referred compared with students without disabilities.

Limitations of study. 2012–2013 was a transition year as a new discipline management system was deployed. The effect this transition had on the completeness or accuracy of data is not clear. Other limitations were noted.

Recommendations include (a) address harassment, intimidation, and bullying behaviors with evidence-based interventions integrated into a school-wide approach aimed at improving behaviors and overall conditions for learning; (b) build staff capacity to provide appropriate behavioral interventions in the context of the three-tiered Support for Personalized Learning (SPL) framework and integrate SPL as part of school-wide approaches to promote appropriate behavior; (c) minimize the use of out-of-school suspensions, and couple in-school suspensions with interventions to avoid depriving students of needed supports; and (d) investigate the issue of subgroup disparity in discipline practices, and deliver professional development and technical assistance to schools to help minimize disparities.

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Introduction

In accordance with legislative reporting requirements set forth in WV §18-2C, the purpose of this report is to describe the occurrence of discipline referrals and corresponding interventions and consequences used by schools for *harassment*, *intimidation*, and *bullying* behaviors during the 2012-2013 school year. Cross tabulations are provided by student grade and demographic characteristics.

Context

Bullying and related behaviors are of increasing concern, both in the school environment and on a broader scale in the communities that schools serve. Recent media accounts point to the severe, sometimes fatal, consequences for targets of this behavior. Findings from the 2009 and 2011 Youth Risk Behavior Surveillance System (YRBSS) indicated that about 20% of 9th through 12th grade students and about 50% of 6th through 8th grade students in West Virginia reported having been bullied on school property in the 12 months prior to the surveys. Combined, these rates add to an ever increasing concern about these behaviors as they relate to the health and well-being of West Virginia's youths.

In 2011, the West Virginia Legislature sought to clarify and ensure consistency in addressing these behaviors across the state's education system by requiring county boards of education to establish policies prohibiting harassment, intimidation, or bullying (WV Code §18-2C-3). In doing so it provided the following definition:

"...harassment, intimidation or bullying" means any intentional gesture, or any intentional electronic, written, verbal or physical act, communication, transmission or threat that:

- (1) A reasonable person under the circumstances should know will have the effect of any one or more of the following:
 - (A) Physically harming a student;
 - (B) Damaging a student's property;
 - (C) Placing a student in reasonable fear of harm to his or her person; or
 - (D) Placing a student in reasonable fear of damage to his or her property;
- (2) Is sufficiently severe, persistent or pervasive that it creates an intimidating, threatening or emotionally abusive educational environment for a student;
or
- (3) Disrupts or interferes with the orderly operation of the school

The statute also required the recording of "...the means of harassment, intimidation or bullying that have been reported..., and the reasons therefore, if known."

By this definition harassment, intimidation, or bullying are treated collectively. Although similar, in practice they may not be the same. Depending on the particular circumstances and function of the behaviors, they also may differ in terms of the interventions that may be appropriate or necessary. According to a federal government website managed by the U.S. Department of Health & Human Services (www.stopbullying.gov), bullying is defined as

... unwanted, aggressive behavior among school aged children that involves a real or perceived power imbalance. The behavior is repeated, or has the potential to be repeated, over time. Both kids who are bullied and who bully others may have serious, lasting problems.

In order to be considered bullying, the behavior must be aggressive and include:

- An Imbalance of Power: Kids who bully use their power—such as physical strength, access to embarrassing information, or popularity—to control or harm others. Power imbalances can change over time and in different situations, even if they involve the same people.
- Repetition: Bullying behaviors happen more than once or have the potential to happen more than once.

Bullying includes actions such as making threats, spreading rumors, attacking someone physically or verbally, and excluding someone from a group on purpose. (U.S. Department of Health & Human Services, n.d.)

Also according to the federal definition, bullying and harassment are not the same. For example, it is possible for harassment to occur in the absence of an imbalance of power, or it may occur in a way that would be inconsistent with the repetitive, or potentially repetitive, nature of bullying. Where these conditions do exist, however, bullying and discriminatory harassment may overlap when the behavior is based on race, national origin, ethnicity, sex, age, disability, or religion. In such instances the behaviors may be covered under federal civil rights laws.

With student behaviors being entered into the West Virginia Education Information System (WVEIS) under the legislative definition provided in §18-2C, however, it is not possible to discern bullying from harassment, or either one from behaviors that otherwise may be intimidating. They are treated in aggregate in accordance with the reporting mandate under §18-2C.

Method

Discipline referral (DR) data related to the occurrence and corresponding interventions and consequences for harassment, intimidation, and bullying behaviors were extracted from WVEIS. An attempt was made to extract discipline referral data in a way that, to the extent possible, was consistent with the legislative definition provided above.

Since the enactment of the current §18-2C, the West Virginia Board of Education (WVBE) revised its policy regarding student conduct. The result, *Expected Behaviors in Safe and Supportive Schools* (WVBE Policy 4373), among other things, puts forth the behaviors (dispositions) expected of West Virginia's students, the rights and responsibilities of students, a framework for policy implementation, and descriptions of and corresponding potential interventions and consequences for inappropriate behaviors. The policy, which became effective July 1, 2012, also sought to bring the recording of harassment, intimidation, and bullying behaviors at the school level into alignment with §18-2C (Table 1). In the context of managing student discipline in West Virginia's school system, harassment, intimidation, and bullying are included with a category of behaviors considered *imminently dangerous, illegal and/or aggressive* in nature, and described as "willfully committed and known to be illegal and/or harmful to people and/or property" (WVBE Policy 4373, p. 49).

Concurrently, the WVDE initiated a redesign of the WVEIS discipline module to enhance schools' capacity to record discipline incidents and use data for discipline management purposes. This new module, referred to as a *discipline management system* (DMS), was piloted in a small number of schools during the final months of the 2011–2012 school year. The 2012–2013 school year served as a transition period during which districts and schools were provided professional development opportunities to increase their capacity to use the system effectively. Consequently, the data summarized here that were specific and most directly connected to the legislative definition in §18-2C-3 were recorded during this transition year under both the newly designed DMS and the reporting mechanism in place prior to the effective date of the revised Policy 4373. The new discipline reporting system was scaled to full statewide implementation at the beginning of the 2013-14 school year.

Table 1. Harassment, Intimidation, or Bullying Behaviors Reported as Defined in WV Board of Education Policy 4373

Behavior	Policy description
Harassment/ bullying/ intimidation	<p>A student will not bully/intimidate/harass another student. According to WV Code §18-2C-2, "harassment, intimidation or bullying" means any intentional gesture, or any intentional electronic, written, verbal or physical act, communication, transmission or threat that:</p> <ul style="list-style-type: none"> • A reasonable person under the circumstances should know will have the effect of harming a student, damaging a student's property, placing a student in reasonable fear of harm to his or her person, and/or placing a student in reasonable fear of damage to his or her property; • Is sufficiently severe, persistent or pervasive that it creates an intimidating, threatening or emotionally abusive educational environment for a student; or • Disrupts or interferes with the orderly operation of the school <p>An electronic act, communication, transmission or threat includes but is not limited to one which is administered via telephone, wireless phone, computer, pager or any electronic or wireless device whatsoever, and includes but is not limited to transmission of any image or voice, email or text message using any such device</p> <p>Acts of harassment, intimidation, or bullying that are reasonably perceived as being motivated by any actual or perceived differentiating characteristic, or by association with a person who has or is perceived to have one or more of these characteristics, shall be reported using the following list: race; color; religion; ancestry; national origin; gender; socioeconomic status; academic status; gender identity or expression; physical appearance; sexual orientation; mental/physical/developmental/sensory disability; or other characteristic</p> <p>When harassment, intimidation or bullying are of a racial, sexual and/or religious/ethnic nature, the above definition applies to all cases regardless of whether they involve students, staff or the public. Detailed definitions related to inappropriate behavior of this nature are as follows:</p> <ul style="list-style-type: none"> ○ Sexual harassment consists of sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature when: <ul style="list-style-type: none"> ▪ Submission to the conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment, or of obtaining an education; or ▪ Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or that conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education; or ▪ Creating an intimidating, hostile or offensive employment or educational environment ○ Amorous relationships between county board employees and students are prohibited

Table 1 continues on next page

- **Sexual harassment** may include but is not limited to:

Table 1. Harassment, Intimidation, or Bullying Behaviors Reported as Defined in WV Board of Education Policy 4373

Behavior	Policy description
	<ul style="list-style-type: none"> ▪ Verbal harassment of a sexual nature or abuse; ▪ Pressure for sexual activity; ▪ Inappropriate or unwelcome patting, pinching or physical contact; ▪ Sexual behavior or words, including demands for sexual favors, accompanied by implied or overt threats and/or promises concerning an individual's employment or educational status; ▪ Behavior, verbal or written words or symbols directed at an individual because of gender; or ▪ The use of authority to emphasize the sexuality of a student in a manner that prevents or impairs that student's full enjoyment of educational benefits, climate/culture or opportunities
	<ul style="list-style-type: none"> ○ Racial harassment consists of physical, verbal or written conduct relating to an individual's race when the conduct: <ul style="list-style-type: none"> ▪ Has the purpose or effect of creating an intimidating, hostile or offensive working or academic environment; ▪ Has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or ▪ Otherwise adversely affects an individual's employment or academic opportunities
	<ul style="list-style-type: none"> ○ Religious/ethnic harassment consists of physical, verbal or written conduct which is related to an individual's religion or ethnic background when the conduct: <ul style="list-style-type: none"> ▪ Has the purpose or effect of creating an intimidating, hostile or offensive working or academic environment; ▪ Has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or ▪ Otherwise adversely affects an individual's employment or academic opportunities
	<ul style="list-style-type: none"> ○ Sexual violence is a physical act of aggression or force or the threat thereof which involves the touching of another's intimate parts, or forcing a person to touch any person's intimate parts. Intimate parts include the primary genital area, groin, inner thigh, buttocks or breast, as well as the clothing covering these areas. Sexual violence may include, but is not limited to: <ul style="list-style-type: none"> ▪ Touching, patting, grabbing or pinching another person's intimate parts, whether that person is of the same sex or the opposite sex; ▪ Coercing, forcing or attempting to coerce or force the touching of anyone's intimate parts; ▪ Coercing, forcing or attempting to coerce or force sexual intercourse or a sexual act on another; or ▪ Threatening to force or coerce sexual acts, including the touching of intimate parts or intercourse, on another ▪ Threatening or forcing exposure of intimate apparel or body parts by removal of clothing
	<ul style="list-style-type: none"> ○ Racial violence is a physical act of aggression or assault upon another because of, or in a manner reasonably related to, race
	<ul style="list-style-type: none"> ○ Religious/ethnic violence is a physical act of aggression or assault upon another because of, or in a manner reasonably related to, religion or ethnicity.

Analysis of WVEIS discipline data consisted of determining the frequency and prevalence rate (i.e., occurrence expressed as a percentage of 2nd month school enrollment figures) of harassment, intimidation, and bullying behaviors. Additional analyses were performed to describe the grade and demographic characteristics of students reported for these behaviors.

Limitations

As previously noted, the 2012–2013 school year was a year of transition as West Virginia deployed a newly designed discipline management system. It is not clear the effect this transition had on the completeness or accuracy of data summarized in this report. Discipline referrals are reported into WVEIS at the discretion of local school staff. Although a prescribed coding scheme with corresponding behavior descriptions are provided in WVBE Policy 4373, it is subject to variation in interpretation and usage among the nearly 700 schools in 55 districts around the state. Also, some behavioral offense codes entered into the WVEIS system, and a substantial number of interventions or other actions taken by schools, failed to match those in the prescribed WVEIS coding scheme. Because of these coding inaccuracies it was not possible to determine precisely the nature of the behaviors and interventions reported under these erroneous codes.

Findings

Discipline Referrals

Overall, there were 225,320 DRs entered for all types of inappropriate behavior. For 531 of the entered DRs, however, the behaviors were not identifiable as defined in either the current or former versions of Policy 4373. The new discipline management system (DMS) prohibits users from coding behaviors on an ad hoc basis, so these DRs could only have been entered by users of the former system. Because the behaviors could not be identified, these DRs were omitted. Also, in the newly designed DMS it is possible to identify students involved in incidents as “non-offenders or targets.” This feature was included in the system to allow identification of students who were targeted by those engaged in inappropriate behaviors, as aid in the detection of bullying or harassment-type offenses. During 2012–2013 there were 3,464 DRs entered into the WVEIS for which a nonoffending student was identified. These DRs were also omitted from the analysis. Additionally, because it is unclear the extent to which Institutional Programs and the WV Schools for the Deaf and Blind—identified in West Virginia as distinct school districts—use the WVEIS for reporting discipline behavior, omitted from the analysis were the few DRs entered by these districts. After removing DRs in these categories we were left with 220,656 DRs for analysis.

The topic of this report, however, is that of discipline referrals specific to harassment, intimidation, and bullying. During the 2012–2013 school year, a total of 5,474 discipline referrals for these specific behaviors were reported statewide, which amounted to 2.5% of all DRs entered into the WVEIS. In total these behaviors were reported for 4,409 students, however the vast majority of the students (3,676 or 83%) were reported for a single occurrence while an additional 733 (17%) were reported for two or more offenses (Table 2).

Table 2. Number of Students by Number of Harassment, Intimidation, and Bullying Discipline Referrals, 2012-2013

Number of referrals	Students referred for harassment, intimidation, and bullying	
	Number	Percent
Total	4,409	100.0
1	3,676	83.4
2	535	12.1
3	135	3.1
4	36	<1.0
5 or more	27	<1.0

As noted earlier, the mandate set forth in §18-2C-3 requires the reporting of the reasons for harassment, intimidation, or bullying behaviors, if known. Also noted earlier was that during 2012-2013 schools were transitioning between the former WVEIS reporting tool to the newly developed DMS and that data summarized herein were collected from both. Of the 5,474 referrals for these behaviors under examination in this report, 2,651 (48%) appear to have been reported under the new DMS. Under the new DMS, an attempt was made to determine the reasons for harassment, intimidation, or bullying behaviors much more explicitly. For more than half (54%), however, the reasons were indicated to be some “other characteristic,” suggesting the reason was something other than the categories described in Policy 4373, or were not definitively known (Table 3). The remaining predominant reasons were physical appearance (12%), gender (8%), mental/physical/developmental/sensory disability (6%), sexual orientation (6%), or race (5%).

Table 3. Number of Harassment, Intimidation, or Bullying Related Discipline Referrals by Reasons for the Behaviors, 2012-2013

Reason for harassment, intimidation, or bullying behaviors	Number of discipline referrals	Percent
Total	2,651	100.0
Academic status	65	2.5
Ancestry	<10	<1.0
Color	46	1.7
Gender	218	8.2
Gender identity or expression	68	2.6
Mental/physical/developmental/sensory disability	162	6.1
National origin	<10	<1.0
Physical appearance	305	11.5
Race	122	4.6
Religion	<10	<1.0
Sexual orientation	147	5.6
Socioeconomic status	47	1.8
Other characteristic	1,443	54.4
Not reported	12	<1.0

Note: Referrals as reported during 2012-2013 under the newly developed WVEIS Discipline Management System (DMS).

With the former system, harassment, intimidation, or bullying behaviors were reported under three separate codes that included *Harassment/intimidation or bullying behaviors*; *Derogatory behavior in relation to race, sex, religion and/or ethnicity*, and *Harassment-race/religious/ethnic/sexual*. The latter two of these, while failing to be mutually exclusive, provide a glimpse as to the reasons for the behaviors. Similar to DRs reported under the new DMS where the reason was noted as “other characteristic,” more than half (55%) reported under the former system were for the more global description of *harassment/bullying/intimidation* (Table 4), leaving little by which the reason may be established. The remainder were split between derogatory behavior (34%) and harassment (12%) in relation to race, sex, religion, and/or ethnicity.

Table 4. Number of Harassment, Intimidation, or Bullying Related Discipline Referrals as Recorded During 2012-2013 Under the Former WVEIS Reporting System

Behavior	Number of discipline referrals	Percent
Total	2,748	100.0
Harassment/intimidation or bullying behaviors	1,499	54.6
Derogatory behavior in relation to race, sex, religion and/or ethnicity	921	33.5
Harassment-race/religious/ethnic/sexual	328	11.9

Although the findings reported in both Table 3 and Table 4 provide insight into reasons for the offenders’ behavior, it is uncertain the number that may overlap with discriminatory harassment covered under federal civil rights laws. To gain a more detailed and relevant accounting in this regard, however, it would be necessary to collect contextual information about the specific incidents to make precise determinations of the reasons for harassment, intimidation, or bullying behaviors. This would best be done through qualitative means at the site and time of the incidents.

Given the serious nature of harassment, intimidation, and bullying it was suspected that students having received a discipline referral for these behaviors also had engaged in other inappropriate behaviors. This was borne out by cross-tabulating the frequency of harassment, intimidation, and bullying discipline referrals by discipline referrals reported for other major categories of behaviors (Table 5). Overall, students engaged in harassment, intimidation, and bullying behaviors were indeed reported for other discipline problems, most frequently in the disruptive/disrespectful conduct (43%) and failure to obey rules/authority (31%) categories (Table 5).

Table 5. Discipline Referrals for Other Inappropriate Behaviors Reported in the WVEIS by the Number of Harassment, Intimidation, and Bullying Discipline Referrals, 2012-2013

Number of harassment, intimidation, and bullying discipline referrals	Percent of total inappropriate behavior reports				
	Disruptive/disrespectful conduct	Failure to obey rules/authority	Aggressive conduct	Tardiness or truancy	All other categories
Overall ¹	43.0	31.0	11.7	11.4	2.9
1	43.0	30.0	11.7	12.2	3.1
2	43.3	33.1	11.5	9.5	2.6
3	41.5	35.0	14.1	7.2	2.3
4	39.5	37.5	12.1	9.1	1.8
5 or more	44.7	33.5	9.5	10.9	1.4

¹Overall values represent weighted averages rather than arithmetic averages of the percentages shown for each category of other behaviors.

The distribution of discipline referrals for harassment, intimidation, and bullying behaviors across school program level indicates that about half (49%) were reported at the middle level program (Table 6). At this level, the most were reported for students in the 7th grade, who accounted for nearly 19% of all harassment, intimidation, and bullying referrals (Figure 1). Combined students in 6th and 8th grades accounted for over 30%.

Students at the adolescent (high school) program level accounted for 25% of all harassment, intimidation, and bullying referrals, with most reported for 9th graders. Students at the early learning (elementary) program level accounted for 25% of referrals, with most among 5th graders but trailing off rapidly at lower grades.

Table 6. Number and Percent of Harassment, Intimidation, and Bullying Discipline Referrals by School Program Level, 2012-2013

Program level	Number of discipline referrals	Percent
Total	5,471	100.0
Early learning program (Grades Pre-K–5)	1,413	25.8
Middle level program (Grades 6–8)	2,674	48.9
Adolescent education program (Grades 9–12)	1,384	25.3

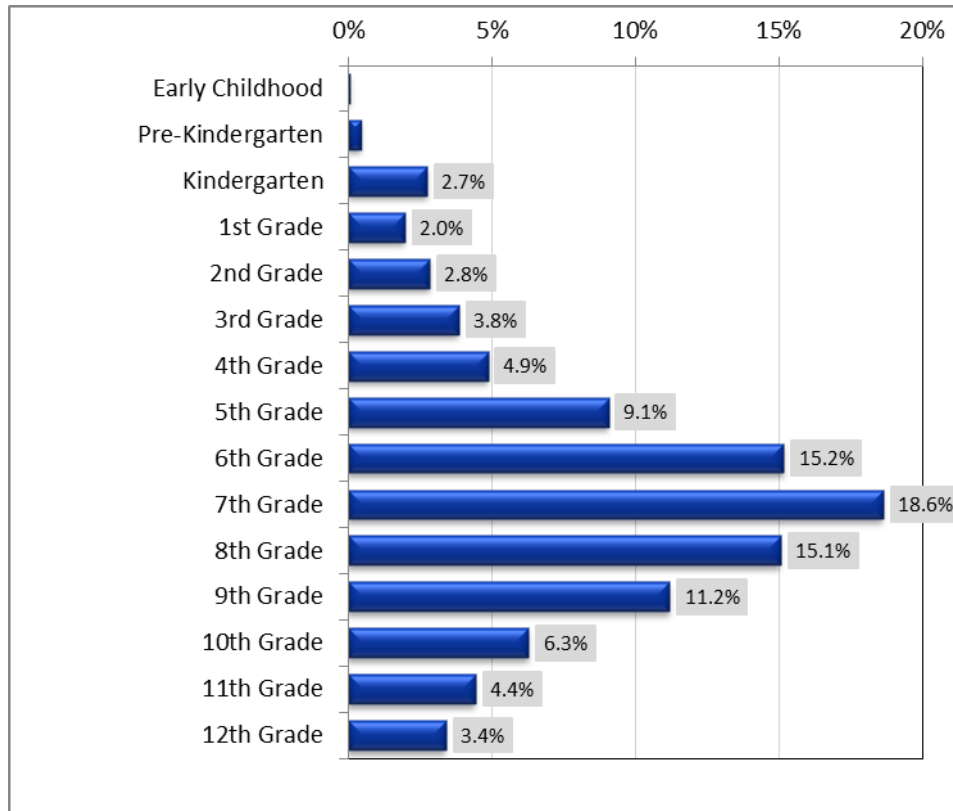


Figure 1. Discipline Referrals for Harassment, Intimidation, and Bullying Behaviors by Grade Level

Descriptive statistics for the frequency, percentage, and rate of harassment, intimidation, and bullying discipline referrals among counties are shown in Table 7. On average there were about 100 referrals for these behaviors per county, but there was substantial variability as indicated by the wide ranges in the minimum and maximum values shown (three referrals to more than 700). On average, referrals for harassment, intimidation, and bullying made up 1.8% of all behaviors reported district-wide, but the range was from less than one percent to nearly 13%. Similarly, on average there were 19 harassment, intimidation, and bullying discipline referrals per 1,000 students among counties, but it ranged up to over 60 per 1,000 (Table 7).

Table 7. Descriptive Statistics of Discipline Referrals for Harassment, Intimidation, and Bullying Behaviors Among County School Districts

Number of discipline referrals			Percent of total discipline referrals			Rate per 1,000 students		
Average	Minimum	Maximum	Average	Minimum	Maximum	Average	Minimum	Maximum
99.5	3	708	1.8	<1.0	12.9	19.4	1.2	60.6

Student Demographic Characteristics

Nearly three quarters (74%) of students receiving a discipline referral for harassment, intimidation, and bullying behaviors in the 2012-2013 school year were male. The characteristics of students referred for the most part followed the racial representation of the statewide student population although some variation was observed (Table 8). White students were present at a slightly lower rate than their respective statewide representation (87% vs. 91%), while Black students were present at a higher rate (10% vs. 5%). Other races were present in roughly the same proportions as their representation in the overall student population.

Table 8. Race of Students Reported for Harassment, Intimidation, and Bullying Discipline Referrals, 2012-2013

Race	Students reported for harassment, intimidation, and bullying		Percent of enrollment statewide*
	Number	Percent	
All races	4,409	100.0	100.0
White	3,812	86.5	91.4
Black	439	10.0	4.8
Multiple race	85	1.9	1.6
Other race	16	<1.0	<1.0
Hispanic	56	1.3	1.3
Not reported	1	<1.0	n/a

Of the 4,409 students for which harassment, intimidation, and bullying discipline referrals were recorded in the WVEIS, 1,095 (25%) were at the time of referral identified as eligible for special education services. This seems disproportionately high, given that about 15% of all students in West Virginia were eligible for special education services during 2012-2013. The harassment, intimidation, and bullying discipline referrals for this group of students accounted for 1,481 (33%) of all such discipline referrals reported into the WVEIS.

Subgroup risk of referral for harassment, intimidation, and bullying behaviors

The findings reported above indicate that students from selected subgroups were referred for harassment, intimidation, and bullying in proportions inconsistent with respective subgroup representation in the student population as a whole. The reason for these findings is unclear, but they may suggest a potential disparity in discipline practices. To understand the magnitude of potential disparities, risk ratios were calculated following the methodology described by the National Clearinghouse on Supportive School Discipline (NCSSD 2013). Risk ratios indicate the likelihood members of a subgroup are represented compared to members of a referent group. In our analysis, risk ratios were calculated for students representing racial/ethnic minority groups relative to White students. Risk ratios also were calculated for students with disabilities relative to students with no disabilities. Ratios were rounded to the nearest 0.5.

Risk ratios for the referent group, in our case White students and students with no disability, are by default equal to 1.0. Subgroup ratios at or below 1.0 indicate risk equal to or less than that of the referent group. Values exceeding 1.0 indicate greater risk.

During the 2012-2013 school year students of other race category and Hispanic students were at less or no greater risk for discipline referrals for harassment, intimidation, and bullying behaviors compared to White students (Table 9). Black students were two times more likely to be referred for these behaviors, and multiple race students were 1.5 times more likely. Similarly, students with disabilities appeared to experience twice the risk for being referred for harassment, intimidation, and bullying compared to students with no disabilities (Table 9).

Table 9. Risk Ratios by Race/Ethnicity and Disability Status of Students

Race/ethnicity	Risk ratio	Disability status	Risk ratio
White	1.0	Student without disability	1.0
Black	2.0	Student with disability	2.0
Multiple race	1.5		
Other race	0.5		
Hispanic	1.0		

Disciplinary Actions

Prior to the 2011 revision of WVBE Policy 4373 only a small set of disciplinary interventions or consequences that could be taken by districts and schools were formally defined in policy. These included *exclusion from the classroom*, *placement in an alternative educational setting*, *suspension* (in-school and out-of-school), and *expulsion*. Districts were permitted to determine any other courses of action they wished to use. As such, historically it was not possible to identify the actions taken by schools for the vast majority of DRs entered into the WVEIS. With the newly designed DMS, the number and type of interventions or consequences districts and schools may take were substantially expanded to accommodate a wider set of more than 40 identifiable actions. These were grouped into 15 categories ranging from *no action warranted* to the most severe of consequences, *expulsion from school*¹

Yet during the transition year of 2012–2013, there were 1,261 discipline referrals for harassment, intimidation, and bullying entered into the WVEIS under the old system for which the reported actions were either blank or not identifiable. These accounted for 23% of all referrals for these behaviors and were labeled as *undetermined* in the findings (Figure 2). Of the remaining interventions or consequences used by schools, about 61% were *detentions*, *in-school suspensions*, or *out-of-school suspensions* (9%, 21%, and 31%, respectively). *Administrator/teacher and student conferences* accounted for slightly over 6%, but all others were used infrequently.

¹ A vetting process is in place to accommodate additional interventions or consequences suggested by districts or schools.

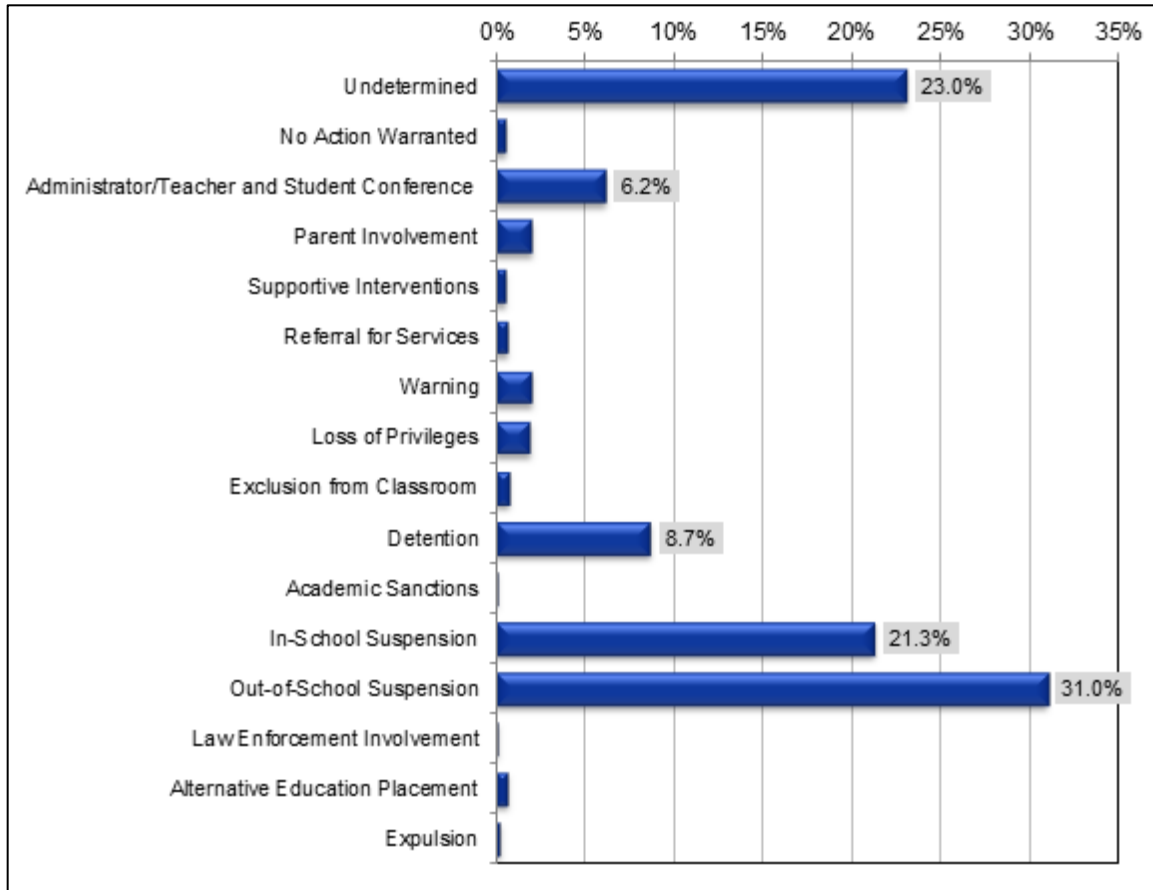


Figure 2. Interventions and Consequences Used by Schools in Response to Discipline Referrals for Harassment, Intimidation, and Bullying Behaviors

Summary of Findings

The following are key findings from a descriptive analysis of harassment, intimidation, and bullying student behaviors reported during the 2012-2013 school year:

- Overall there were 225,320 discipline referrals entered into the WVEIS in the 2012-2013 school year for any type of inappropriate student behaviors. Of them, 220,656 were used for purposes of this report.
- Of the total number of discipline referrals in WVEIS, 5,474 (2.5%) were for harassment, intimidation, and bullying behaviors.
- Determination of the reasons for harassment, intimidation, and bullying behaviors is limited, however data for 2012-2013 indicate that for more than half the reason was noted as being some “other characteristic,” or coded under a more global but less-specific harassment, intimidation, and bullying description for which the reason was undetermined.
- The reasons indicated for the remaining DRs reported under the new DMS were predominantly physical appearance (12%), gender (8%), mental/physical/developmental/sensory disability (6%), sexual orientation (6%), or race (5%). The remaining DRs submitted under the former discipline system were reported as derogatory behavior or harassment related to race, sex, religion and/or ethnicity.

- Most student discipline referrals reported for harassment, intimidation, and bullying behaviors were at the middle school level (49%) followed by high schools and elementary schools at 25% each.
- By grade level, 7th graders accounted for 19% of referrals for harassment, intimidation, and bullying, followed by 6th and 8th graders (each accounting for 15%), 9th graders (11%), and 5th graders (9%). All other grades were represented at lower rates.
- Students referred for harassment, intimidation, and bullying behaviors also were referred for other categories of inappropriate behaviors. In decreasing order, these categories were disruptive/disrespectful conduct (43%), failure to obey rules/authority (31%), aggressive conduct (12%), tardiness or truancy (11%).
- Unspecified or district-defined disciplinary actions accounted for 23% of interventions or consequences used by schools in response to harassment, intimidation, or bullying behaviors. Of the remaining, 31% were out-of-school suspensions, followed by in-school suspensions (21%), detentions (9%), and administrator/teacher and student conferences (6%). All other interventions or consequences were used at lower rates.
- A total of 4,409 students were referred for disciplinary action for harassment, intimidation, or bullying behaviors, most of whom (83%) were referred for a single offense.
- Nearly three quarters (74%) of the students referred for these behaviors were male.
- White students were present at a slightly lower rate than their respective statewide representation (87% vs. 91%), while Black students were present at a higher rate (10% vs. 5%). Other races were present in roughly the same proportions as their representation in the overall student population.
- Nearly a quarter (25%) of the students referred for harassment, intimidation, or bullying behaviors were identified as eligible for special education services at the time of referral.
- Risk ratio calculations indicate Black students to be two times more likely, and multiple race students 1.5 times more likely, to experience discipline referrals for harassment, intimidation, or bullying behaviors compared to White students. Similarly, students with disabilities were two times more likely to be referred for these behaviors than were students without disabilities.

Discussion and Recommendations

As noted earlier, the West Virginia Board of Education put forth a multicomponent framework for implementation of Policy 4373 to be followed by districts and schools (Figure 3). The intent of the framework and corresponding implementation plans, as stated in policy is as follows:

Plans for the implementation of county policies for Expected Behaviors in Safe and Supportive Schools should be included within individual school strategic plans. The implementation plan shall reflect the particular needs of students and staff to study, learn and work in a positive school climate/culture. To the maximum extent possible, the plan should be developed collaboratively with input from all stakeholders including, but not limited to parents, business leaders, community organizations and state and local agencies. The plan should articulate and incorporate the partnership supports and resources that are available to the school through the county's formal and informal partnership agreements as well as through additional school level partnerships. (Expected Behaviors in Safe and Supportive Schools, WVBE Policy 4373, p.37).

More specific to the behaviors of interest in this report, in fall of 2012 the WVDE unveiled *It Does Matter*, an online clearinghouse for the dissemination of policy information, and other content and resources aimed at building the capacity of the state school system to prevent, or otherwise identify and appropriately respond to harassment, intimidation, and bullying behaviors among West Virginia's youth (see <http://wvde.state.wv.us/it-does-matter/>). Introductory packets also were distributed to all schools statewide at the same time.

At a minimum, schools shall:

- establish a leadership team (may be an existing team) to manage the design, monitoring and improvement of school climate/culture;
- establish a process to gain school-wide input and commitment to school climate/culture improvement from students, staff, parents and community;
- develop school-wide priorities for Policy 4373;
- analyze school climate/culture data annually;
- make data driven improvement decisions based on analysis of consistently tracked student behaviors;
- implement school-wide plans that provide appropriate interventions to support and reinforce expected behaviors;
- implement programs/practices that promote youth asset development to support expected student behaviors, positive education and health outcomes;
- implement comprehensive and effective intervention programs/practices that target identified behaviors that are disruptive to the educational process and that place students at higher risk of poor education and health outcomes;
- develop appropriate and reliable referral procedures for intensive intervention that enlist school and community partnerships; and
- evaluate school climate/culture improvement processes and revise as needed. (Expected Behaviors in Safe and Supportive Schools, WVBE Policy 4373, 2012, p. 37)

A recent report on the status of school discipline data collection and reporting for the 2012–2013 school year offered several recommendations, all aimed at building the capacity systemically to address inappropriate behaviors in schools across the state (Whisman and Chapman, 2013). There is a growing body of evidence that systemic, school-wide approaches are more effective at preventing harassment, intimidation, and bullying behaviors than short-term responses such as school assemblies, one-shot lessons taught in selected classes (e.g., health education), stand-alone prevention programs, or similar approaches (Good, McIntosh, and Gietz 2011). As such from a prevention perspective, the first recommendation is to *address harassment, intimidation, and bullying behaviors using evidence-based interventions integrated into a whole-school approach aimed at improving all behaviors and overall conditions for learning school-wide.*

The WVDE Office of Special Programs recently deployed *Support for Personalized Learning* (SPL), a framework to provide relevant academic, social/emotional, and/or behavioral supports to all students.² Evolved from West Virginia's earlier efforts in implementing a *response-to-intervention* (RTI) process, SPL interventions are provided in the context of a three-tiered model, which is based on findings that approximately 80% of students tend to do well with universal or *core* academic and behavioral supports available to all students. Another 15% of students need additional but intermittent *targeted* supports, and about 5% need more ongoing *intensive* supports.

Figure 3. Components of the Policy 4373 Implementation Framework

The number of discipline referrals may be a criterion under the SPL framework, whereby students with one or two major discipline referrals may be identified for targeted behavioral supports, and those with three or more identified for intensive supports. In this context *major*

² For a compendium of resources related to SPL, see wvde.state.wv.us/spl.

refers to behaviors more severe than incidents minimally disruptive to the learning and teaching environment. Students referred one or more times for harassment, intimidation, and bullying behaviors, who also are reported for other inappropriate behaviors—especially other forms of aggressive conduct—likely are exhibiting a need for supports under the SPL framework. The second recommendation, consistent with one offered by Whisman and Chapman (2013), follows that *schools take advantage of SPL-related professional development, build staff capacity to provide appropriate behavioral interventions in the context of the three-tiered framework, and integrate SPL as part of school-wide approaches to promote appropriate behavior.*

Despite the implementation of effective prevention, it is probably not possible to totally eliminate harassment, intimidation, and bullying incidents. In 2012-2013, 23% of the actions taken by schools for harassment, intimidation, and bullying were district defined, and as a result the nature of those actions is not easily determined. The lion's share of the remaining school actions were out-of-school (31%) or in-school (21%) suspensions. The purpose of suspension, whether in-school or out-of-school, is to

...protect the student body, school personnel and property, the educational environment, and the orderly process of the school. Suspension is considered a *temporary* solution to inappropriate behavior *until the problem that caused the suspension is corrected* (WVBE Policy 4373, p. 69, emphasis added).

That suspensions are viewed in policy as temporary solutions until underlying causes are remedied suggests such actions are a means to an end, not the ends in themselves. With in-school suspensions, students remain under the supervision of school personnel and have opportunities to receive appropriate interventions and supports. With out-of-school suspensions students may have no such opportunities for intervention so that the causes for suspension may go unresolved. For those instances when harassment, intimidation, and bullying behaviors do occur and suspension is warranted to preserve safety, property, and order, the third recommendation is to *minimize the use of out-of-school suspensions, and couple in-school suspensions with meaningful interventions so that students are not deprived of needed supports.*

Finally, Black students and students with disabilities were referred for harassment, intimidation, or bullying behaviors at rates higher than their respective representation in the statewide student population as a whole. Also, risk ratio calculations indicate Black and multiple race students were found to be at greater risk for referral for these behaviors than White students. Students with disabilities also were more likely to be referred for these behaviors than were their counterparts without disabilities. Gregory, Skiba, and Noguera (2010) suggest that subgroup disparity in discipline practices—the discipline gap—is related to subgroup achievement gap and is a topic in need of more attention. Furthermore, evidence linking exclusionary discipline practices to school dropout and diminished academic outcomes suggest a need to address disparities in discipline practices. Consequently, reiterating a recommendation in Whisman and Chapman (2013) *it is recommended that the WVBE and WVDE investigate in more detail the issue of subgroup disparity in discipline practices, and develop and deliver professional development and technical assistance to schools specific to minimizing disparities.*

References

- Expected Behaviors in Safe and Supportive Schools, West Virginia Board of Education Policy 4373 (Effective July 1, 2012). Retrieved from <http://wvde.state.wv.us/policies/p4373-new.pdf>.
- Good, C. P., McIntosh, K., & Gietz, C. (2011). Integrating bullying prevention into schoolwide positive behavior support. *Teaching Exceptional Children*, 4(1), 48-56.
- Gregory, A., Skiba, R. J., & Noguera, P. A. (2010). The achievement gap and the discipline gap: Two sides of the same coin? *Educational Researcher*, 39, 59–68.
- Harassment, Intimidation or Bullying Prohibition, West Virginia State Code §18-2C (Updated 2011 4th Special Session). Retrieved from <http://www.legis.state.wv.us/WVCODE/Code.cfm?chap=18&art=2C#02C>.
- National Clearinghouse on Supportive School Discipline (NCSSD). (2013). *Risk ratio methodology*, Washington DC: American Institutes for Research. Retrieved from http://supportiveschooldiscipline.org/sites/ncssd/files/ncssd-static/discipline-disparities/NCSSD_RiskRatio_Methodology_FINAL.pdf.
- U.S. Department of Health & Human Services. (n.d.). Bullying definition. Retrieved from <http://www.stopbullying.gov/what-is-bullying/definition/index.html>.
- Whisman, A., & Chapman, D. (2013). *Improving school discipline data collection and reporting: A status report for the 2012–2013 school year*. Charleston, WV: West Virginia Department of Education, Division of Teaching and Learning, Office of Research.

