



*Investing in innovation in public schools*

## **HB 1254 – Colorado’s Bullying Prevention Law Frequently Asked Questions**

### **How much of a problem is bullying?**

Many students in Colorado are experiencing bullying and some students are more likely to be bullied based on their race/ethnicity, gender or gender expression, sexual orientation, religion, or disability.

- 18.8% of high school students in Colorado reported being bullied on school grounds (Colorado Healthy Kids Survey, 2009).
- 20% of students report being cyber-bullied at some point in their lifetime (Hinduja and Patchin, 2010).
- 87% of gay and lesbian students reported being verbally bullied based on their sexual orientation and 30% were physically assaulted (GLSEN Colorado Survey, 2009).
- According to a report from the White House Bullying Prevention Summit, other frequent reasons students reported being bullied included: gender and gender expression, race/ethnicity, religion, academic performance, socio-economic status, and disability. (Swearer, 2011; Graham, 2006; Eslea & Mukhtar, 2000).

### **How does bullying impact schools and students?**

Bullying has serious academic and emotional consequences for students who are bullied and ultimately impacts the school climate and academic performance of the entire school.

- Every day, an estimated 160,000 students miss school due to bullying (US Department of Justice and National School Association of School Psychologists, Banks, 2000).
- 25% of youth who reported being bullied in the previous year attempted suicide compared to 11% of students who were not bullied (Colorado Healthy Kids Survey, 2009).
- Youth who were bullied were also more likely to report being in a fight or having used alcohol or marijuana (Colorado Healthy Kids Survey, 2009).
- A Colorado study found that schools with lower levels of bullying had higher CSAP scores (Evaluation of the Colorado Trust’s Bullying Prevention Initiative, 2008).

### **What changes does HB-1254 make to Colorado’s bullying laws?**

- **HB-1254 updates the state’s bullying definition C.R.S. 22-32-109.1(a)(X)(B) to read:** Any written or verbal expression, or physical or electronic act or gesture, or a pattern thereof, that is intended to coerce, intimidate, or cause any physical, mental, or emotional harm to any student. Bullying is prohibited against any student for any reason, including but not limited to any such behavior that is directed toward a student

on the basis of his or her academic performance; or against whom federal and state laws prohibit discrimination upon any of the bases described in section 22-32-109\*.

- \*22-32-109 (1) (11) (I) The schools in the district are subject to all federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, sex, sexual orientation, national origin, religion, ancestry, or need for special education services.
- **HB-1254 encourages districts to consider the following:**
  - The biennial administration of surveys to determine students' impressions of the severity of bullying in their schools.
  - Character building.
  - Designation of a team to advise the school administration concerning the severity and frequency of bullying incidents at the school.
  - Appropriate disciplinary consequences for students who bully AND for those who take retaliatory action against someone who reports in good faith.
- **HB-1254 updates the reporting requirements under the Safe School Reporting Requirements submitted annually to include:**
  - Behavior detrimental to the welfare or safety of other students or of school personnel, including but not limited to incidents of bullying.
- **HB-1254 adds language under the dress code policy C.R.S. 22-32-109.1(a)(IX) to include:**
  - (IX) A dress code policy that encourages school pride and unity, promotes uniformity of dress, and defines and prohibits students from wearing apparel that is deemed disruptive to the classroom environment or to the maintenance of a safe and orderly school. The dress code policy may require students to wear a school uniform or may establish minimum standards of dress.
- **HB-1254 directs the Colorado Department of Education to establish a bullying prevention website and creates a Bullying Prevention Education and Grant Program to be funded out of grants and gifts.**

### **How does Federal law address bullying?**

- Although federal law does not directly address bullying, recent guidance from the Office of Civil Rights in the Dear Colleague letter dated October 26, 2010 indicates that some instances of bullying may constitute harassment and may be a violation of civil rights protected under federal law (Title IX, Title VI, Title II and Sec 504). Bullying instances may also be classified as harassment under federal law if they are based on race, color, national origin, sex, and disability and if the harassment interferes with the student's ability to participate in and benefit from the services, activities, or opportunities offered by the school.

## **Bullying affects all students so why focus on race/ethnicity, gender, sexual orientation, religion, and disability in bullying policies?**

- Students who are perceived to be different in terms of race/ethnicity, gender or gender expression, sexual orientation, religion, or disability are more likely to be bullied based on these characteristics (Swearer, 2011; Graham, 2006; Eslea & Mukhtar, 2000).
- According to recent federal guidance, bullying based on race, color, national origin (may include religion), sex (including sexual orientation and gender expression), or disability, may be classified as harassment and may constitute a violation of civil rights (Dear Colleague Letter, US Department of Education Office of Civil Rights, October 2010).
- Gay and lesbian students who were more frequently harassed because of their sexual orientation or gender expression had grade point averages almost half a grade lower than students who were less often harassed (2.7 vs. 3.1) (GLSEN Survey, 2009).
- Students report less bullying and feeling safer in schools with enumerated policies (policies that specifically list and prohibit bullying based on characteristics such as race, sex, sexual orientation, religion, or disability)(GLSEN Survey, 2009).
- Students report that teachers in schools with enumerated policies are more likely to intervene when they witness this type of bullying (GLSEN Survey, 2009).

## **What best practices should districts consider in updating their bullying policies?**

The US Department of Education issued a Dear Colleague letter in December 2010 outlining the various components of bullying prevention laws or policies that states and Local Education Agencies should consider.

- **Purpose statement:** outlines the range of detrimental effects that bullying has on students and declares any form of bullying unacceptable.
- **Statement of scope:** Covers conduct that occurs on school campuses, at school sponsored activities, on school transportation or any conduct that otherwise creates a substantial disruption to the school environment.
- **Specification of prohibited conduct:** provides a specific definition of bullying that is consistent with state law and includes verbal, physical, and cyber-bullying.
- **Enumeration:** prohibits bullying acts based on actual or perceived characteristics of students who have historically been targets of bullying and lists those characteristics (CRS 22-32-109 (1) (11) (I) disability, race, creed, color, sex, sexual orientation, national origin, religion, ancestry, or need for special education services).
- **Collaborative development of policies:** encourages a collaborative process with school administrators, staff, families and students.
- **Core components of Local Education Agency policies:** definition of bullying; procedures for staff, students, and families to report bullying; procedures for investigating and responding to bullying; maintenance of written records; sanctions; and referrals for services.
- **Regular review of policies:** to ensure that policies are up to date and that goals are being met.
- **Communication plan:** plan for notifying families and students of bullying policies.

- **Training and preventative education:** includes a provision for training for all staff.
- **Transparency and monitoring:** includes provisions for annual reporting to state.
- **Statement of rights to other legal resources:** policy does not preclude victims from seeking other legal remedies.