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M E M O R A N D U M

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TO: Interested Persons
FROM: Anna Gerstle, Fiscal Analyst (303-866-4375)
SUBJECT: Bullying Prevention in Colorado Schools

Summary

This memo discusses the scope of bullying in Colorado schools; summarizes the provisions and programs in Colorado state law related to bullying prevention, including safe school plans and criminal penalties; and provides information on training resources and best practices for preventing bullying.

Background

Colorado law defines bullying as “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 against a student on the basis of his or her academic performance or a student against whom federal and state laws prohibit discrimination.¹

Bullying Data

The scope and severity of bullying in Colorado schools is difficult to quantify, in large part because bullying often goes unreported, and electronic devices and social media are so accessible. In the 2013 Healthy Kids Colorado Survey, completed by the Colorado Department of Public Health and Environment, 20 percent of high school students surveyed reported that they had been bullied on school property in the year prior to the survey, while over 45 percent of middle school students surveyed reported having been bullied on school property.² A 2011 national survey indicated that only 20 to 30 percent of students who are bullied notify adults of

¹Section 22-32-109.1, C.R.S.

²Healthy Kids Colorado, Department of Public Health and the Environment.
http://www.chd.dphe.state.co.us/topics.aspx?q=Adolescent_Health_Data

the incidents.³ To provide additional context, this memo uses two sources, the Colorado Department of Education (CDE) and the Safe2Tell program, housed within the Department of Law, to discuss the scope of bullying.

CDE data. School principals must annually report the number of conduct and discipline code violations at their school to CDE. This data may include incidents of bullying or other behaviors that create a threat of physical harm to the student or to other students, but specific bullying incidents are not disaggregated.⁴ While more serious offenses (i.e., first or second degree assault) could be the result of bullying, Table 1 details the third degree assault and disorderly conduct and detrimental behavior incidents reported for the last five school years.⁵ The total number of these reported incidents has decreased by 26 percent over this period.

Table 1
Reported Third Degree Assault and Disorderly Conduct or Detrimental Behavior Incidents in Schools: 2010-2015*

	2010-11 School Year	2011-12 School Year	2012-13 School Year	2013-14 School Year	2014-15 School Year	Percentage Change from 2010 to 2015
Third Degree Assault and Disorderly Conduct	6,532	6,442	5,669	4,473	4,091	(37.4%)
Detrimental Behavior	32,937	31,439	28,376	24,433	25,170	(23.6%)
Total	39,469	37,881	34,045	28,906	29,261	(25.9%)

Source: Colorado Department of Education

* Includes incidents that resulted in suspensions, expulsions, referrals to law enforcement, and other actions. Referral to law enforcement may or may not have been in addition to another action taken.

Safe2Tell data. The Safe2Tell program, established in 2004, allows students to anonymously report unsafe and potentially dangerous activities in schools, including bullying, cyberbullying, and harassment. Table 2 shows the number of tips that Safe2Tell has received regarding those incident types over the last five school years. These report types account for 26 percent of all the tips Safe2Tell received during that time, with bullying accounting for 19 percent. It is important to note that changes in the number of reports may indicate changes in reporting processes, rather than changes in the number of incidents that occur. For instance, Safe2Tell has expanded reporting methods to include a smartphone application, in addition to a website and phone number, and conducted outreach efforts to improve awareness of the program.

³Maria Ttofi and David Farrington, "Effectiveness of school-based programs to reduce bullying: a systematic and meta-analytic review", *Journal of Experimental Criminology*, Vol. 7, No. 1, 2011, pp. 27-56. www.stopbullying.gov.

⁴Section 22-32-109.1, C.R.S.

⁵*Third degree assault and disorderly conduct* includes the commission of an act on school grounds that, if committed by an adult would be considered third degree assault (Section 18-3-204, C.R.S.) or disorderly conduct (Section 18-9-106 (1)(d), C.R.S., referring to fights). *Detrimental behavior* is behavior on school property that is detrimental to the welfare or safety of other students or of school personnel, including behavior that creates a threat of physical harm to the student or to other students.

Table 2
Safe2Tell Reports of Bullying, Cyberbullying, and Harassment: 2010-2015

Report Types	2010-11 School Year	2011-12 School Year	2012-13 School Year	2013-14 School Year	2014-15 School Year	Total Bullying Related	Percentage of All Reports Received*
Bullying	305	481	471	545	534	2,336	18.8%
Cyberbullying	20	56	92	131	135	434	3.5%
Harassment	79	77	76	105	101	438	3.5%
Total	404	614	639	781	770	3,208	25.9%

Source: Safe2Tell program, Colorado Department of Public Safety.

*Safe2Tell received a total of 12,398 reports from 2010-2015.

Colorado Laws Related to Bullying

Safe school plans. School districts, charter schools, and the Charter School Institute are required to adopt a safe school plan that includes a specific bullying prevention and education policy and sets forth disciplinary procedures for students who bully others or retaliate against students who report bullying incidents. Schools are encouraged to survey students on the severity of bullying and incorporate the results into their safe school plans, as well as to designate a team at each school to advise the school administration on the severity and frequency of bullying incidents. The law also:

- requires school districts to annually report each school’s bullying prevention policy to CDE;
- provides immunity for a teacher, board of education member, or other person who acts in good faith to enforce the conduct and discipline code and school safety plan; and
- encourages school districts to provide an Internet safety curriculum that includes teaching students to recognize and avoid online bullying.⁶

School codes of discipline. In addition to disciplinary procedures for students who bully others or retaliate against a student who reports a bullying incident, school codes of discipline must also include procedures for:

- addressing students who cause disruptions on school grounds;
- initiating suspensions or expulsions for habitually disruptive students;
- searching students and student lockers; and
- appropriately using prevention, intervention, restorative justice, peer mediation, counseling, or other approaches for dealing with student misconduct.

Criminal penalties. While there is not a specific bullying charge in Colorado criminal law, there are several charges that could result from the escalation of a bullying incident. These include: harassment; assault; menacing; stalking; hazing; third degree assault; disorderly conduct; and bias-motivated crimes. As it specifically relates to cyberbullying, House Bill 15-1072 added electronic harassment to the statutory definition of harassment.

⁶ Section 22-32-109.1, C.R.S., Section 22-30.5.505, C.R.S.

Programs Related to Bullying Prevention

School Bullying Prevention and Education Grant Program. This program, administered by CDE, provides grants to school districts for implementing evidence-based bullying prevention best practices, educating parents on anti-bullying policies, and implementing a biennial survey of students' impressions of bullying. The grant program is funded at the level of \$2 million per year, as of January 1, 2016, with moneys allocated through the passage of House Bill 15-1367 and voter approval of Proposition BB in November 2015. Grant applications will be accepted beginning in April 2016.

Restorative justice. State law encourages the use of restorative justice as schools' first consideration to remediate certain offenses, including bullying.⁷ Restorative justice, defined as practices that emphasize repairing harm to the victim and the school community caused by a student's misconduct, has been shown to decrease suspension rates from 40 to 80 percent, absenteeism by nearly 50 percent, and tardiness by 60 percent, according to Restorative Justice Colorado.⁸ As of January 2014, there were 33 restorative justice programs registered with Restorative Justice Colorado, including judicial districts, municipalities, schools, and nonprofit organizations, although there may be additional programs that have not registered.⁹

Bullying Prevention and Education Training

School Safety Resource Center (center). The center, located within the Department of Public Safety, provides assistance to schools, school districts, and community partners in preventing, preparing for, responding to, and recovering from emergencies and crisis situations, and fostering positive learning environments. Specifically, the center offers customized trainings, resources, webinars, conferences, and technical assistance at no cost. The center reports that, as of 2014, 18,471 people have attended a training or workshop since the center's inception in 2008.¹⁰ Trainings and resources include:

- restorative practices;
- bullying prevention and intervention;
- cyberbullying for school staff;
- advice and resources from experts in the field;
- grant opportunities and support;
- strategies for creating a positive school climate; and
- strategies for updating a comprehensive school safety plan.

The center also provides specific resources for parents and is working with CDE to host positive school climate nights for parents that coincide with CDE bullying prevention institutes for staff. In addition, the center collaborates with CDE on its school bullying prevention and education grant program and submits evidence-based best practices for bullying prevention for publication on the CDE website.

⁷Section 22-32-144, C.R.S.

⁸Restorative Justice Colorado. <http://www.rjcolorado.org/restorative-justice-in-schools.html>

⁹Legislative Report - A Glance at Restorative Justice Programs in Colorado, Restorative Justice Colorado, January 2014, pp. 1.

¹⁰Legislative Report – A Report to Colorado House and Senate Education and Judiciary Committees, School Safety Resource Center, Department of Public Safety, December 2014, pp. 5.

CDE trainings. CDE offers bullying prevention and education professional development opportunities for administrators, teachers, and school safety staff. These resources include specific trainings and conferences (i.e., National Bullying Prevention Conference and seminars on bullying prevention for students with disabilities), as well as free bullying prevention institutes that provide training to staff on:

- bullying prevention legislation;
- positive school climate and the link to academic achievement;
- metrics to measure school climate;
- best practices in bullying prevention, including bullying based on race/ethnicity, sexual orientation, disability or gender expression;
- on-the-spot interventions and curriculum ideas; and
- cyberbullying.

Best Practices

CDE is required to make evidence-based best practices for bullying prevention available on its website. Those resources include federal government recommendations and the positive behavior interventions and support approach to bullying prevention. Generally, effective approaches have been school-wide efforts, focusing on improving the social climate of the school and building partnerships among teachers, students, families, schools, and the community. Specific best practices tend to vary slightly among resources.

The U.S. Department of Education's Office of Special Education Programs details a specific approach and recommends the following measures to reduce bullying:

- school-wide curriculum that emphasizes targeted social skills instruction;
- positive school and classroom social cultures that emphasize teaching and learning;
- challenging and engaging instructional practices that effectively maximize academic success for all students;
- continuous, positive, and active supervision and monitoring of student behavior and learning;
- regular, frequent, and positive acknowledgements and reinforcement for student displays of academic and social behavior success;
- active involvement of all students and family, faculty, and community members;
- multi-year and multi-component approaches to implementation; and
- adults who model the same positive social behaviors and values expected of students.

Stopbullying.gov is a joint effort between the U.S. Department of Education and U.S. Department of Health and Human Services. The effort's recommendations for an effective bullying prevention policy are to:

- focus on the social environment of the school;
- assess bullying;
- garner staff and parent support for bullying prevention;
- form a group to coordinate the school's bullying prevention activities;
- train staff in bullying prevention;
- establish and enforce school rules and policies related to bullying;

- increase adult supervision in hot spots where bullying occurs;
- intervene consistently and appropriately in bullying situations;
- focus some class time on bullying prevention; and
- continue these efforts over time.

Bullying Legislation in Other States

According to the Cyberbullying Research Center, all 50 states have anti-bullying laws, with 22 including cyberbullying and 14 including bullying that occurs outside school property. Almost all states (49) require that schools have a bullying prevention policy, and 40 offer a state model policy for schools to replicate if they so choose¹¹. Also of note, Nevada allows disciplinary and licensure proceedings against administrators, teachers, and other employees of a public school for failure to comply with certain provisions of bullying and cyberbullying laws. Louisiana, North Carolina, and Rhode Island have criminalized cyberbullying, and Louisiana also has provisions in place for parents to notify schools and schools to notify parents of bullying incidents involving their child.

¹¹ Cyberbullying Research Center. <http://cyberbullying.org/Bullying-and-Cyberbullying-Laws.pdf>
Stopbullying.gov Policies and Laws. <http://www.stopbullying.gov/laws/index.html>