

Bullying in New Mexico: Understanding The Issues And Looking For Answers



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Data... Insight... Impact

“Students have a right to speak in schools except when they don’t.”

**Justice Clarence Thomas
concurring in Morse v. Frederick on the responsibility of
school staff in responding to incidents that
threatens students’ safety.**

Overview

- Bullying: Definitions and Frameworks
 - Face-To-Face
 - Cyber
- Bullying in the US
- Bullying in New Mexico
- Bullying in Albuquerque
- Bullying Prevention Programs
- Best Practices
- Potential Next Steps
- References and Resources

Bullying: Definitions and Frameworks

- Bullying is 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.

Source: [Stopbullying.gov](http://stopbullying.gov)

Bullying Definition, continued

- 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, or excluding someone from a group on purpose.

Source: [Stopbullying.gov](http://stopbullying.gov)

Cyberbullying

- Cyberbullying occurs when a child, preteen, or teen is tormented, threatened, harassed, humiliated, embarrassed, or otherwise targeted by another child. In other words, cyberbullying occurs when a minor uses electronic communication to bully others. (Myers, McCaw, & Hemphill, 2011)
- Cyberbullying is the “willful and repeated harm inflicted through the medium of electronic text.” (Patchin & Hinduja , 2008)
- “Online bullying, called cyberbullying, happens when teens use the Internet, cell phones, or other devices to send or post text or images intended to hurt or embarrass another person” (The National Crime Prevention Council, 2013)

Effects of Bullying

- Bullying can impact everyone
- It has been linked to mental health, substance abuse, and suicide.
- Kids who have been bullied are more likely to experience:
 - Depression and anxiety
 - Health complaints
 - Decreased academic achievement
- A small number of bullied children may retaliate
 - In 12 of 15 school shooting cases in the 1990s, the shooters had a history of being bullied.

Effects of Bullying

- Kids who bully others are more likely to:
 - Abuse alcohol and drugs as adolescents and adults
 - Get into fights, vandalize property, and drop out of school
 - Engage in early sexual activity
 - Have criminal convictions and traffic citations as adults
 - Be abusive to their romantic partners, spouses, or children as adults
- Bystanders (or those who witness bullying) are more likely to:
 - Have increased use of alcohol, tobacco, and other drugs
 - Have increased mental health concerns, including depression and anxiety
 - Miss or skip school

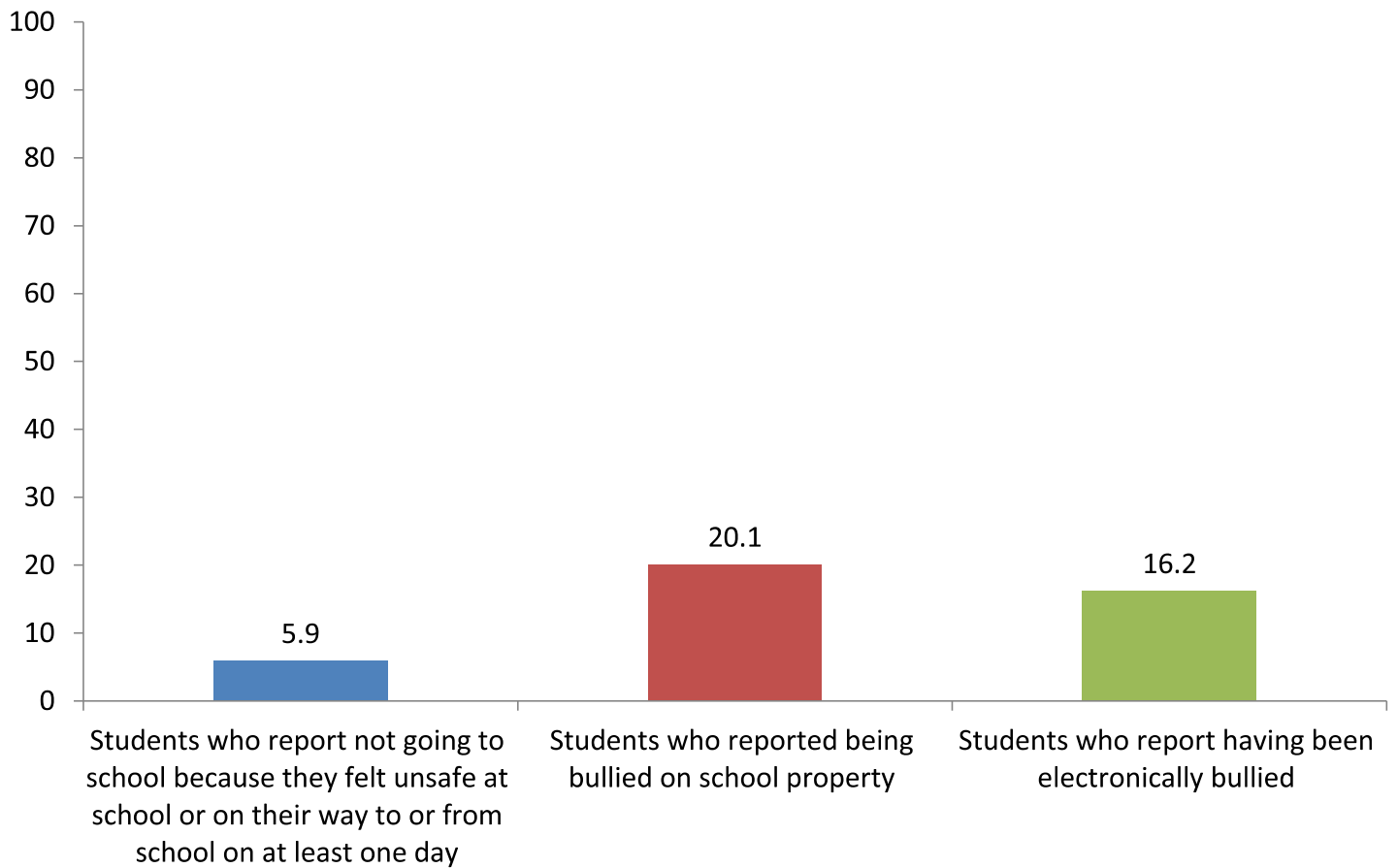
Source: Stopbullying.gov

U.S. Department Of Education Office For Civil Rights (OCR) Letter About Harassment And Bullying (October 2010)

- Acknowledges link between bullying/harassment (based on race, sex, color, national origin, disability, or age) and:
 - Suicide
 - Lowered academic achievement and absenteeism
 - Low self-esteem, depression, anxiety, PTSD
- Established that:
 - Students who violate bullying/harassment policies may be in violation of anti-discrimination statutes/federal civil rights laws enforced by OCR
 - Makes schools responsible for enforcing bullying/harassment policies

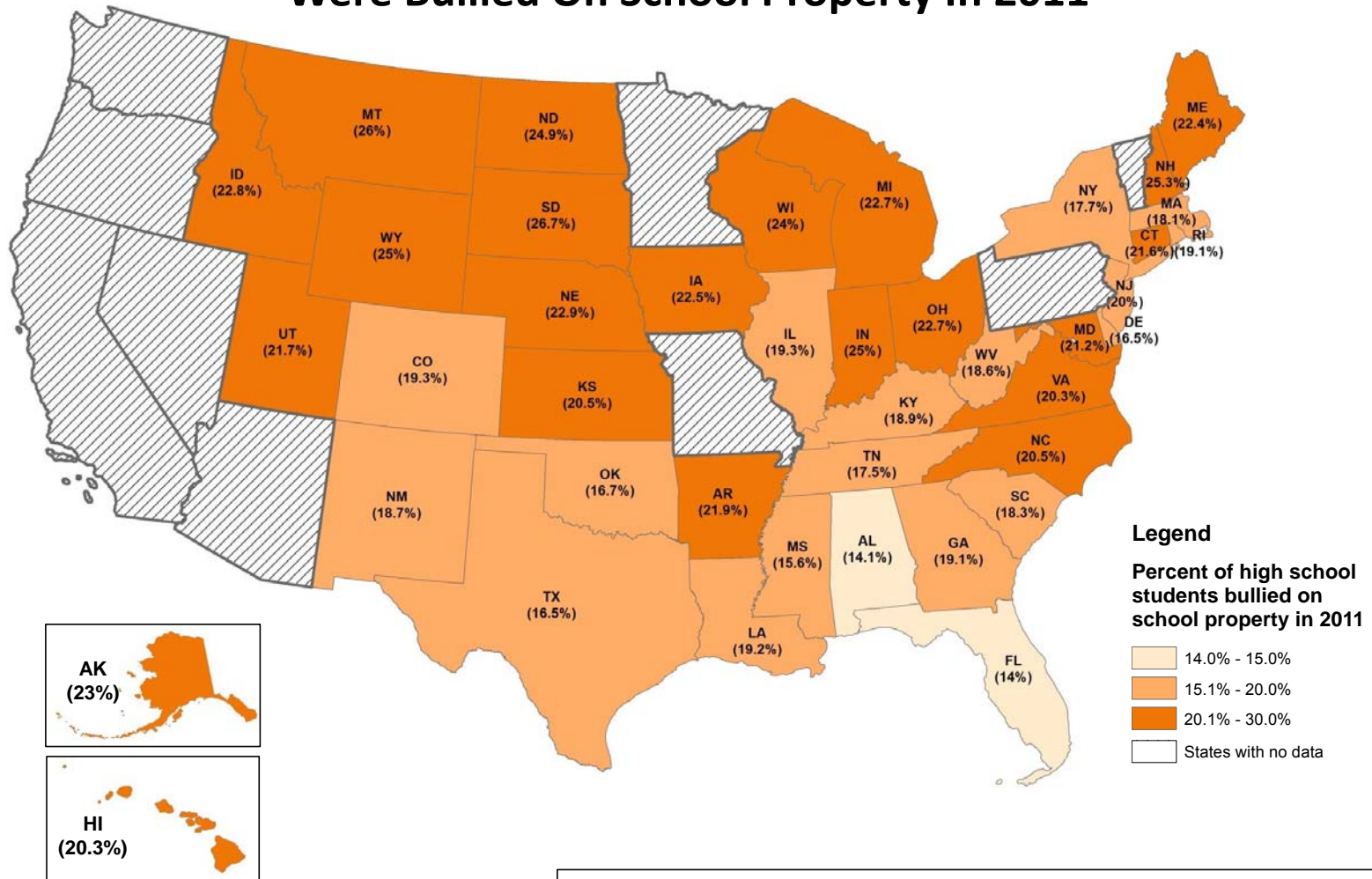
Bullying In The US

Bullying In The United States



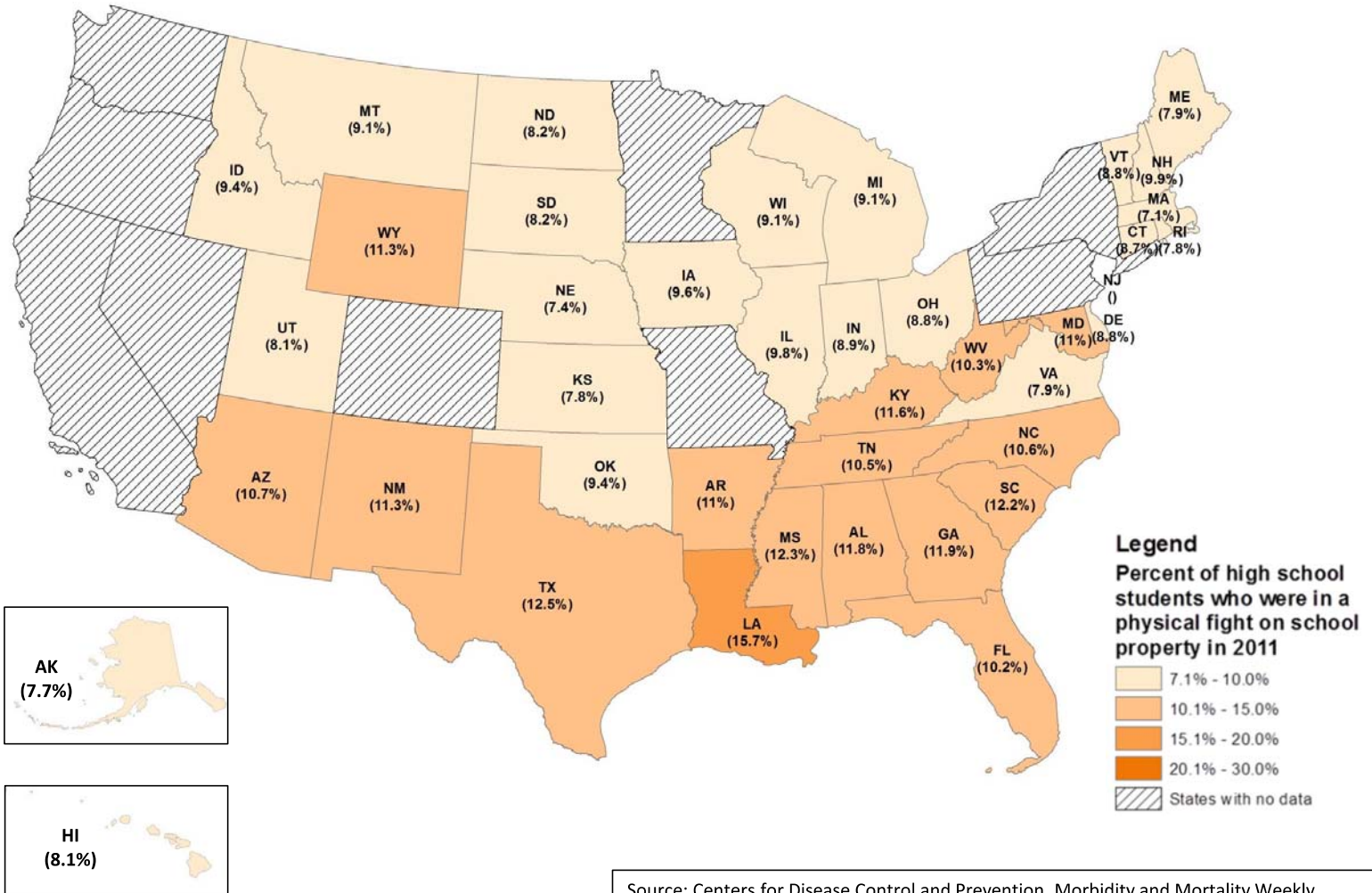
Source: Youth Online: High School 2011 YRBS
(Center for Disease Control and Prevention)

Percent Of High School Students Who Were Bullied On School Property In 2011



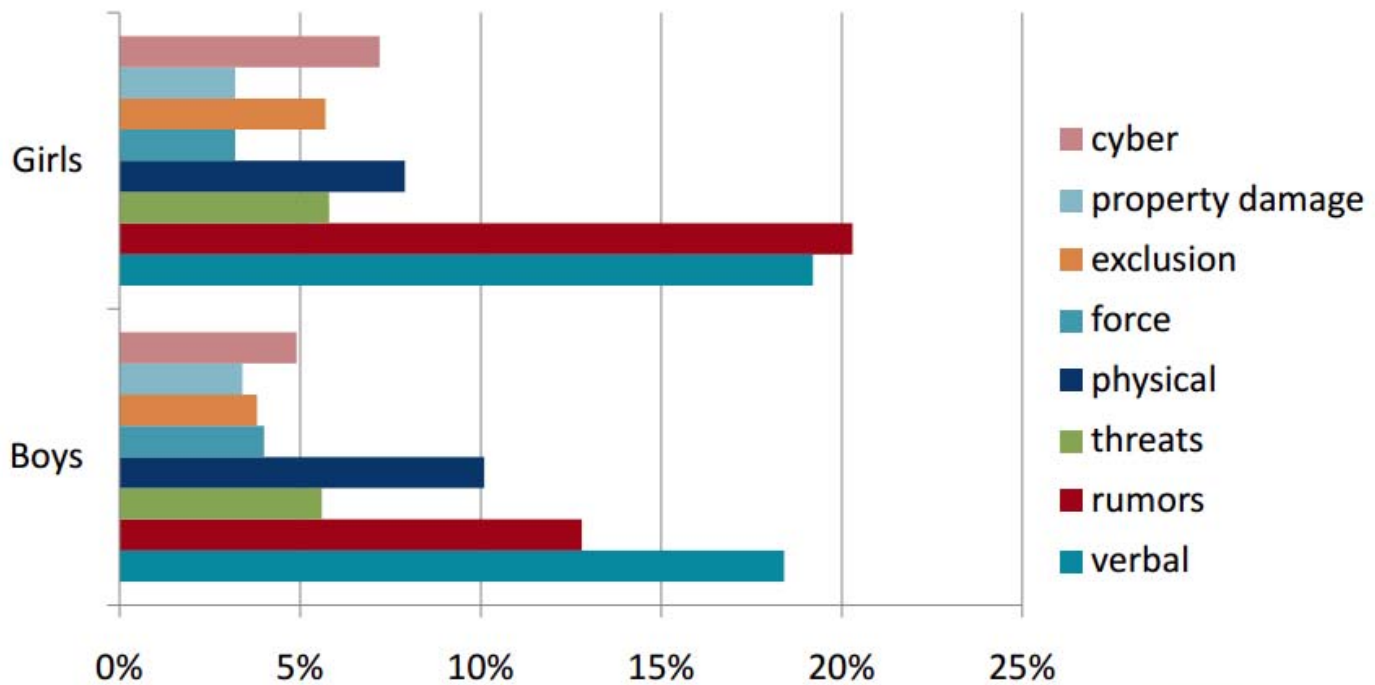
Source: Centers for Disease Control and Prevention. Morbidity and Mortality Weekly Report , June 8, 2012. Youth Risk Behavior Surveillance – United States, 2011. Surveillance Summaries/Vol. 61/No.4. (Table 15, p.62)

Percent Of High School Students Who Were In A Physical Fight On School Property In 2011



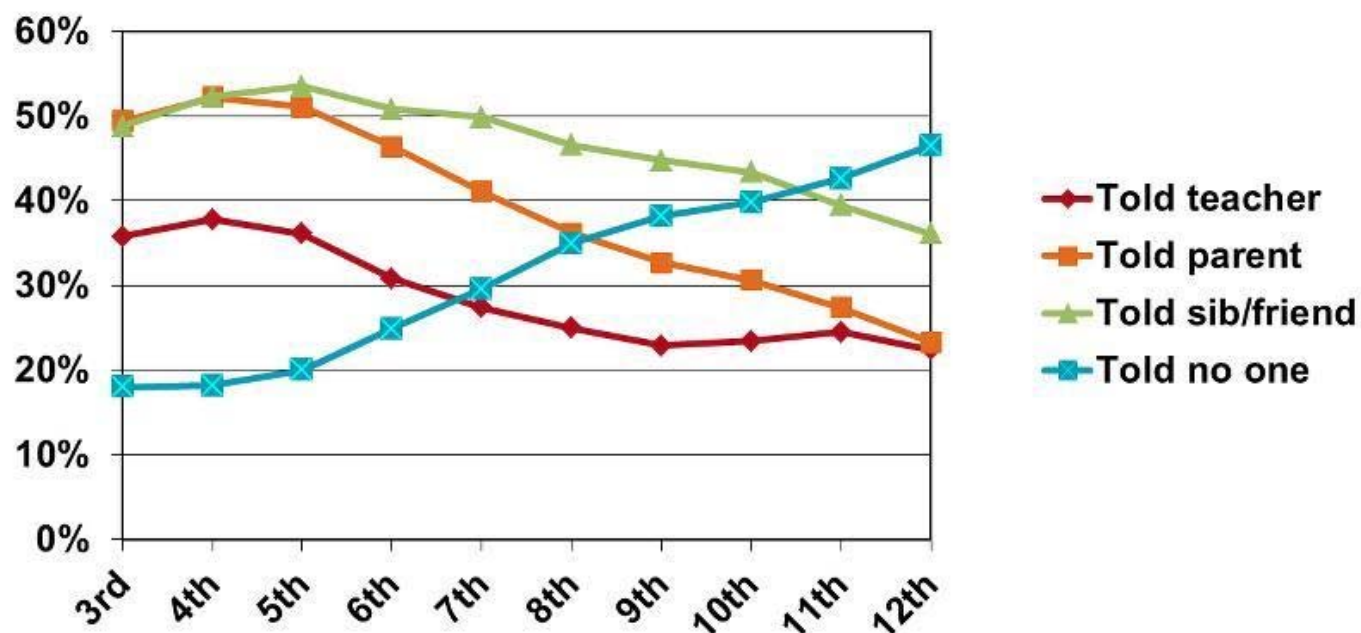
Source: Centers for Disease Control and Prevention. Morbidity and Mortality Weekly Report , June 8, 2012. Youth Risk Behavior Surveillance – United States, 2011. Surveillance Summaries/Vol. 61/No.4. (Table 15, p.62)

Differences in the Types of Bullying Experienced by Boys and Girls *(NCES, 2011)*



stopbullying.gov

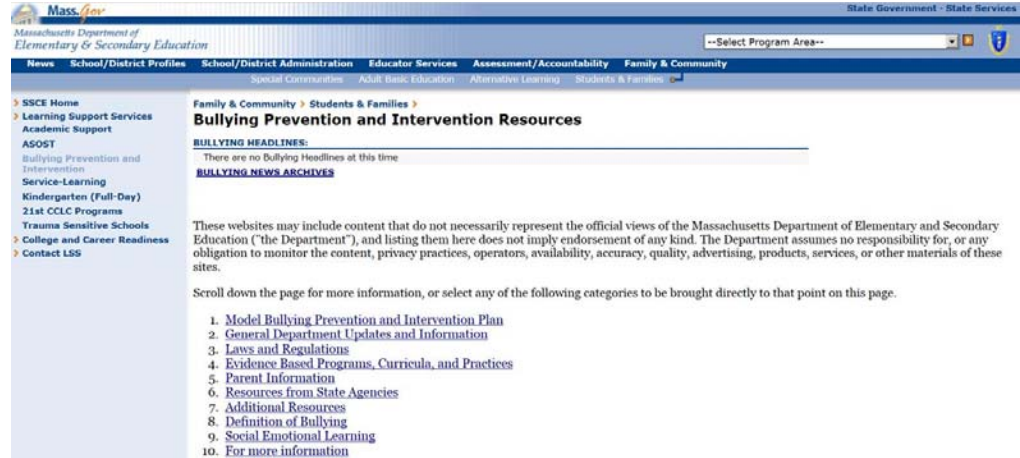
Percentage of Bullied Children & Youth Who Have Reported Being Bullied



Source: Olweus & Limber (2010)

What Is Being Done About Bullying In Other States?

The Massachusetts Department of Elementary and Secondary Education has some of the most comprehensive and up to date laws on bullying prevention and intervention.



Their website includes:

- a model bullying prevention and intervention plan,
- a list of evidence-based programs, curricula, and practices,
- a sample bullying incident reporting form,
- information for parents and for notifying parents when a student has been bullied,
- checklist that can be used at the local level to track if all legislatively required elements are included a school or district's local plan

Source: <http://www.doe.mass.edu/bullying>

Bullying In New Mexico

What Are New Mexico's Current Statutes About Bullying?

- 22-2-21 NMSA, 1978. Bullying prevention programs. (2011)
- The department shall establish guidelines for bullying prevention policies to be promulgated by local school boards. Every local school board shall promulgate a bullying prevention policy by August 2011. Every public school shall implement a bullying prevention program by August 2012.

What Are New Mexico's Current Regulations About Bullying?

- New Mexico Administrative Code 6.12.7.1
- “Bullying” means an repeated and pervasive written, verbal or electronic expression, physical act or gesture, or a pattern thereof, that is intended to cause distress upon one or more students in the school, on school grounds, in school vehicles, at a designated bus stop, or at school activities or sanctioned events. Bullying includes, but is not limited to, hazing, harassment, intimidation or menacing acts of a student which may, but need not be based on the student's race, color, sex, ethnicity, national origin, religion, disability, age or sexual orientation.

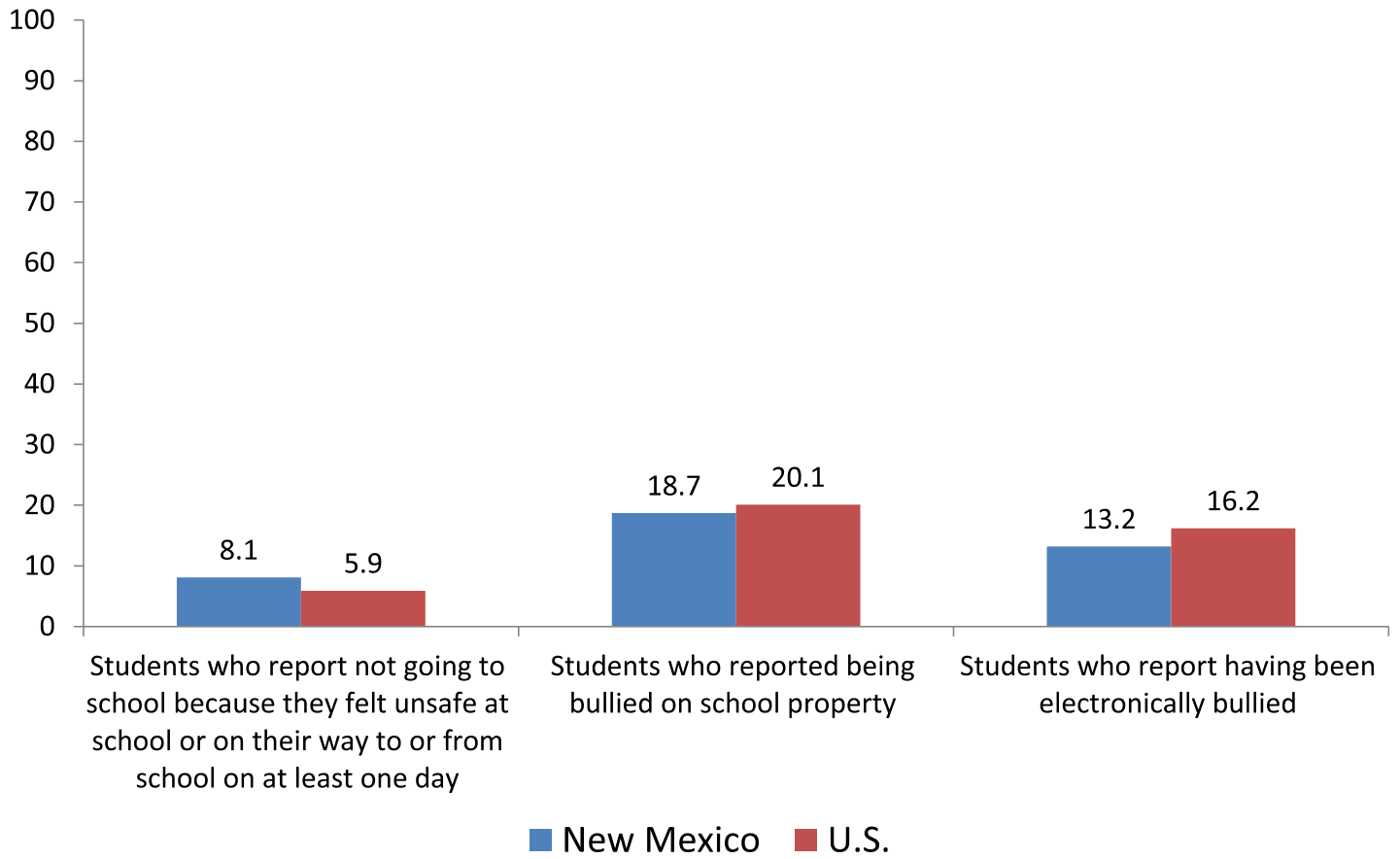
The New Mexico Youth Risk & Resiliency Survey (YRRS)

The YRRS is an important survey that examines risk behaviors and resiliency (protective) factors of New Mexico high school and middle school students. The YRRS is conducted by the New Mexico Departments of Health and Public Education with the assistance of the Prevention Research Center in the UNM School of Medicine. The YRRS is also part of the CDC Youth Risk Behavior Surveillance System (YRBSS). The data on bullying and fighting presented in this report draws from the 2009 and 2011 YRSS. The New Mexico Youth Risk & Resiliency Survey High School Survey Results 2011 defines bullying in this way:

“Bullying is when 1 or more students tease, threaten, spread rumors about, hit, shove, or hurt another student over and over again. It is not bullying when 2 students of about the same strength or power argue or fight or tease each other in a friendly way.”

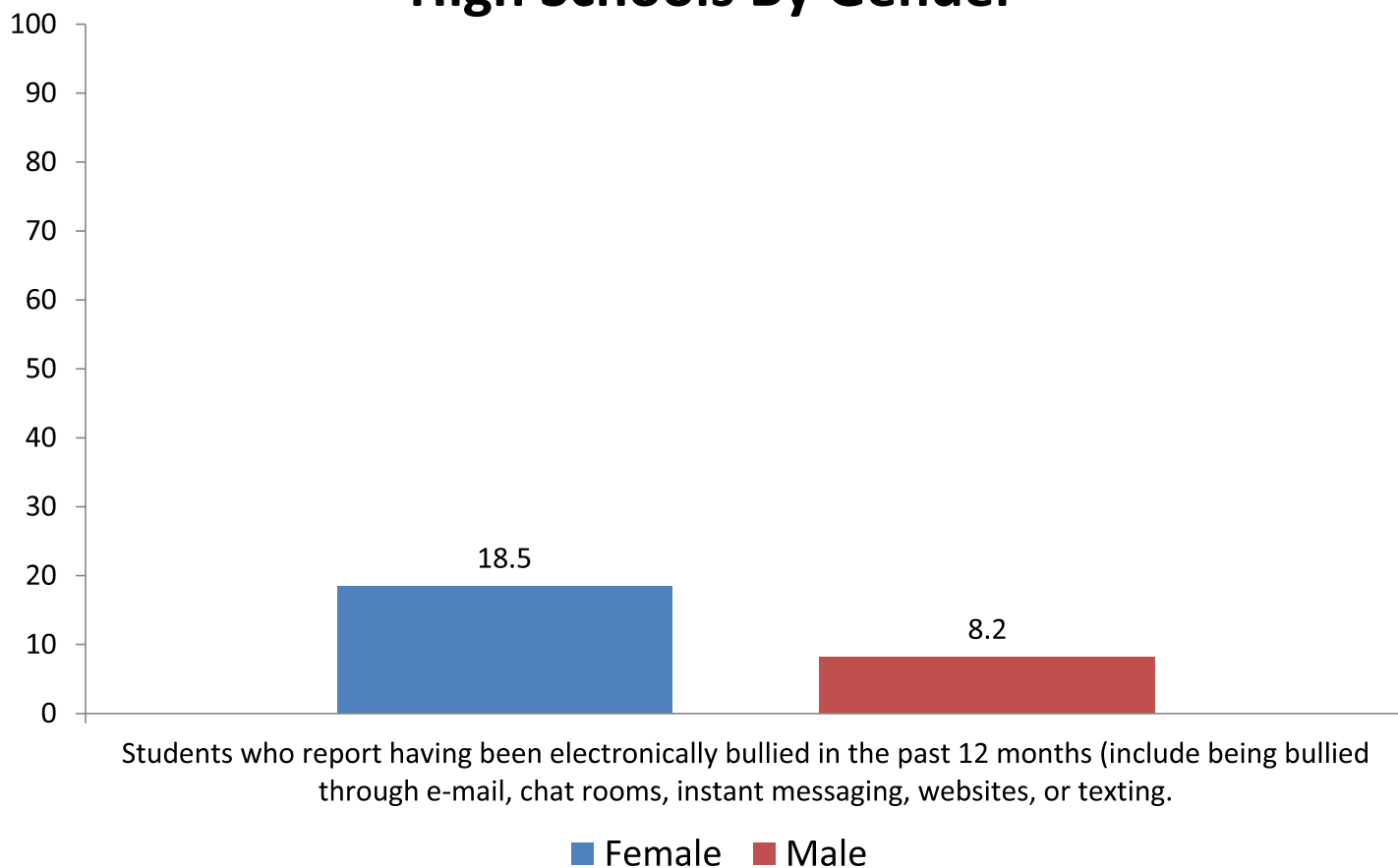
Sources: www.youthrisk.org. Green D, Peñaloza L, and FitzGerald C. 2012. New Mexico Youth Risk & Resiliency Survey: High School Survey Results 2011. Epidemiology and Response Division, New Mexico Department of Health, School and Family Support Bureau, New Mexico Public Education Department, and University of New Mexico Prevention Research Center.

Bullying In New Mexico



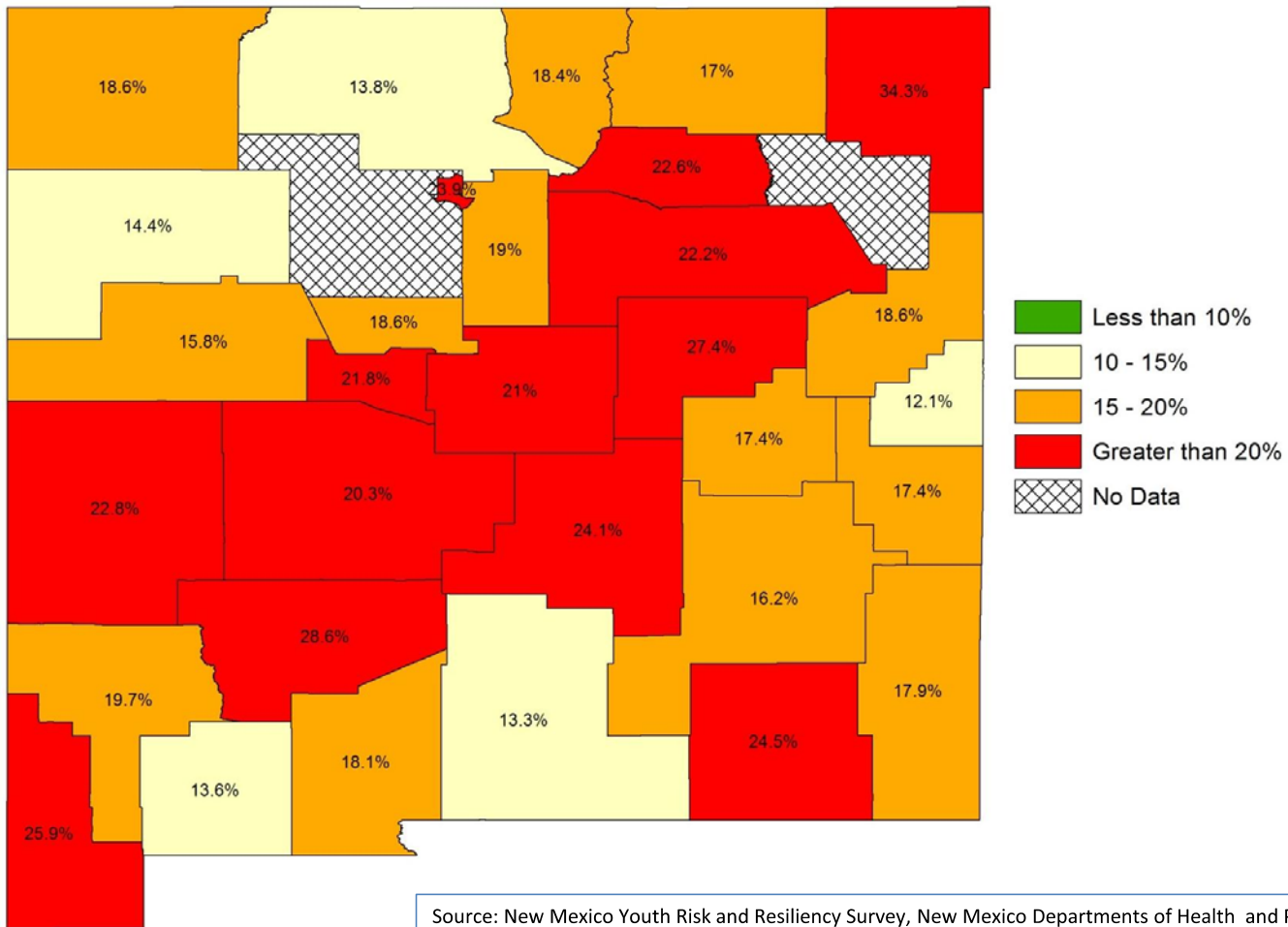
Source: Source: New Mexico Youth Risk and Resiliency Survey, New Mexico Departments of Health and Public Education, and U.S. Centers For Disease Control and Prevention, 2011

Electronically Bullying In New Mexico High Schools By Gender



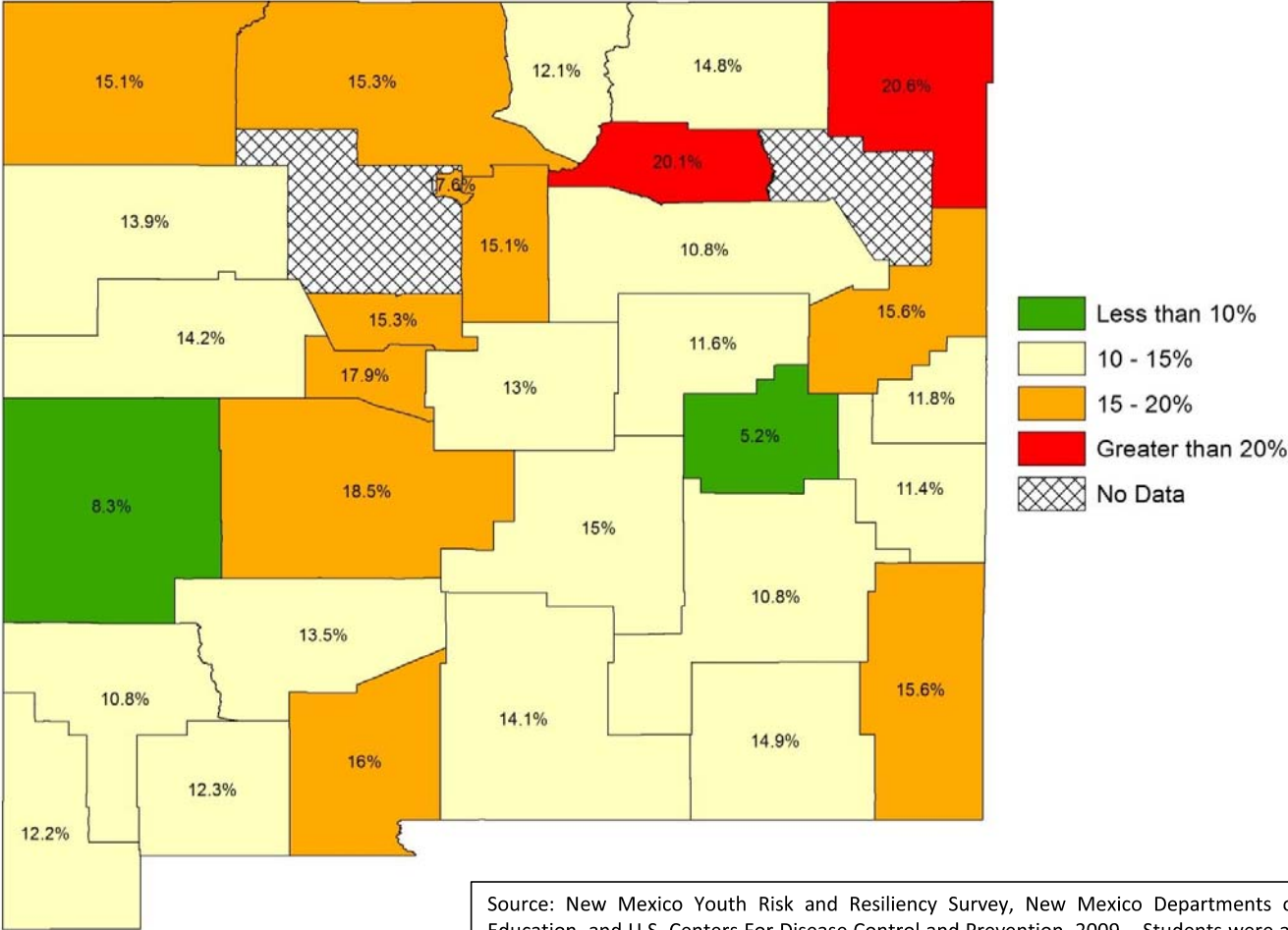
Source: Source: New Mexico Youth Risk and Resiliency Survey, New Mexico Departments of Health and Public Education, and U.S. Centers For Disease Control and Prevention, 2011

Percentage Of High School Students Who Were Bullied On School Property, By County



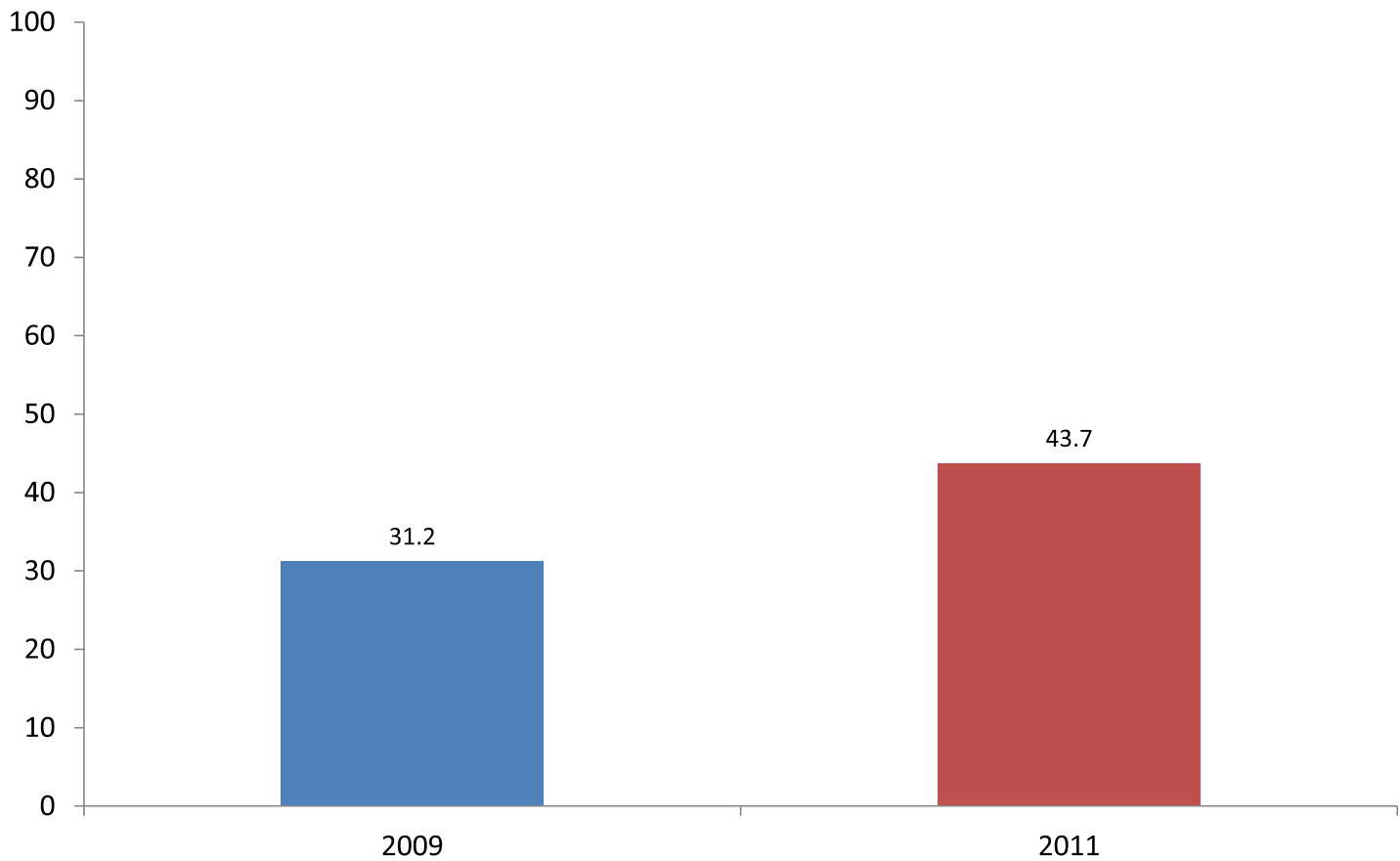
Source: New Mexico Youth Risk and Resiliency Survey, New Mexico Departments of Health and Public Education and U.S. Centers For Disease Control and Prevention, 2009. Students were asked, "During the past 12 months, have you ever been bullied on school property?"

Percentage Of High School Students Who Were In A Physical Fight On School Property, By County



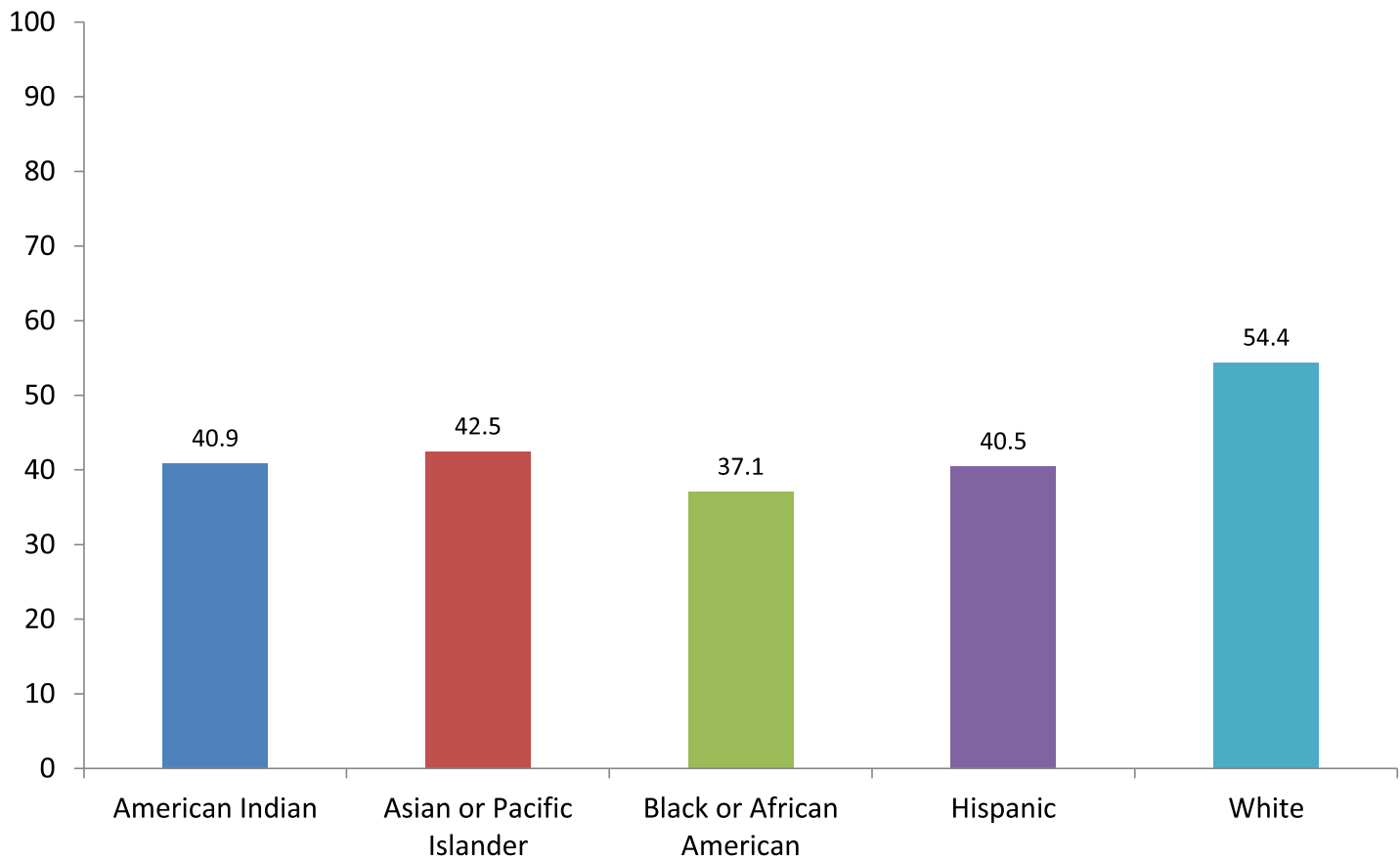
Source: New Mexico Youth Risk and Resiliency Survey, New Mexico Departments of Health and Public Education and U.S. Centers For Disease Control and Prevention, 2009. . Students were asked, "During the past 12 months, how many times were you in a physical fight on school property?" The percentage reported here reflects respondents who answered one or more times.

Change In Percent Of New Mexico Middle School Students Who Report Being Bullied In 2009 And 2011



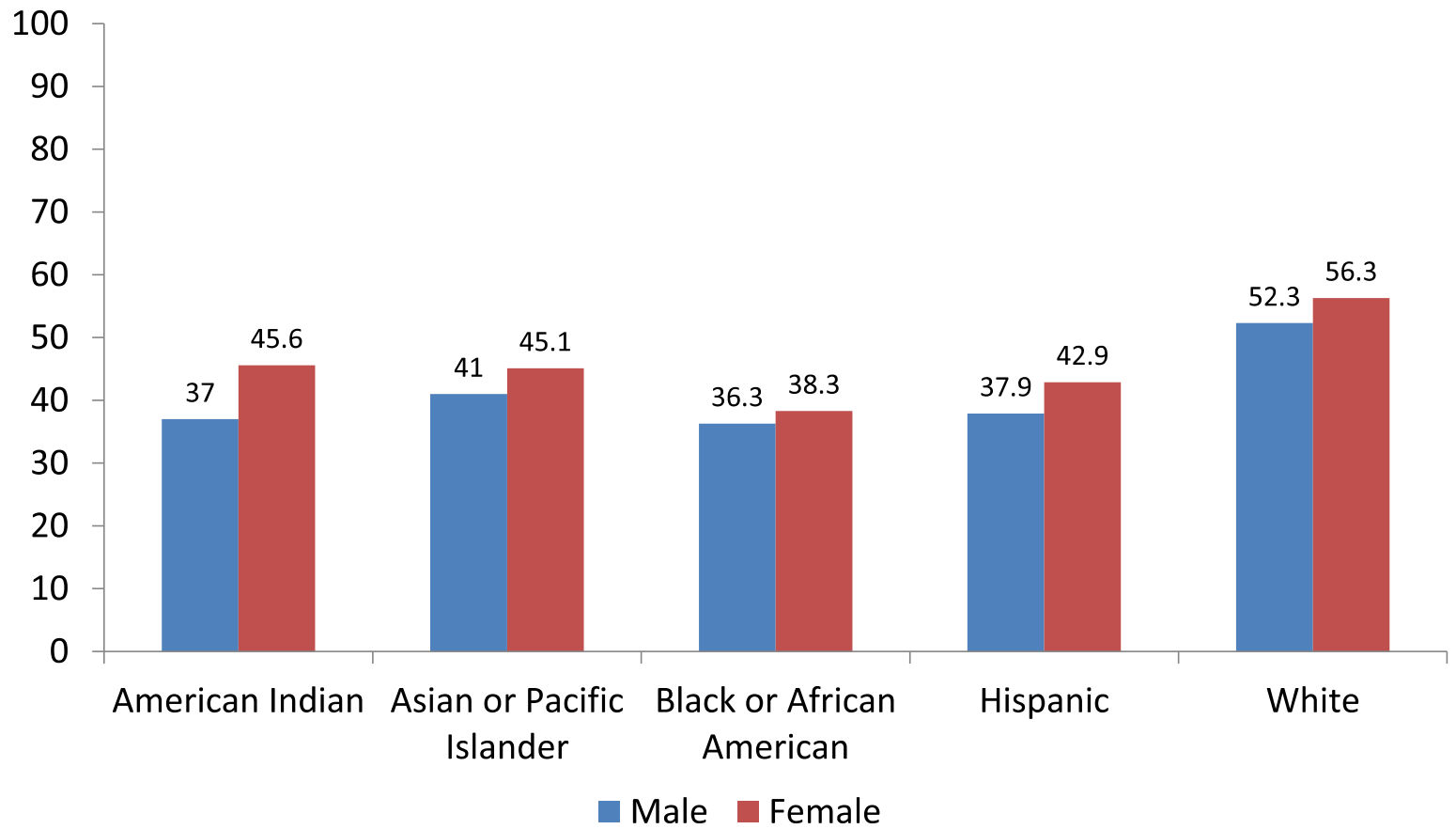
Source: New Mexico Youth Risk and Resiliency Survey, New Mexico Departments of Health and Public Education, and U.S. Center for Disease Control and Prevention, 2011. Students who responded to the question, "Have you ever been bullied on school property?"

Percentage Of New Mexico Middle School Students Who Report Being Bullied By Race And Ethnicity, 2011



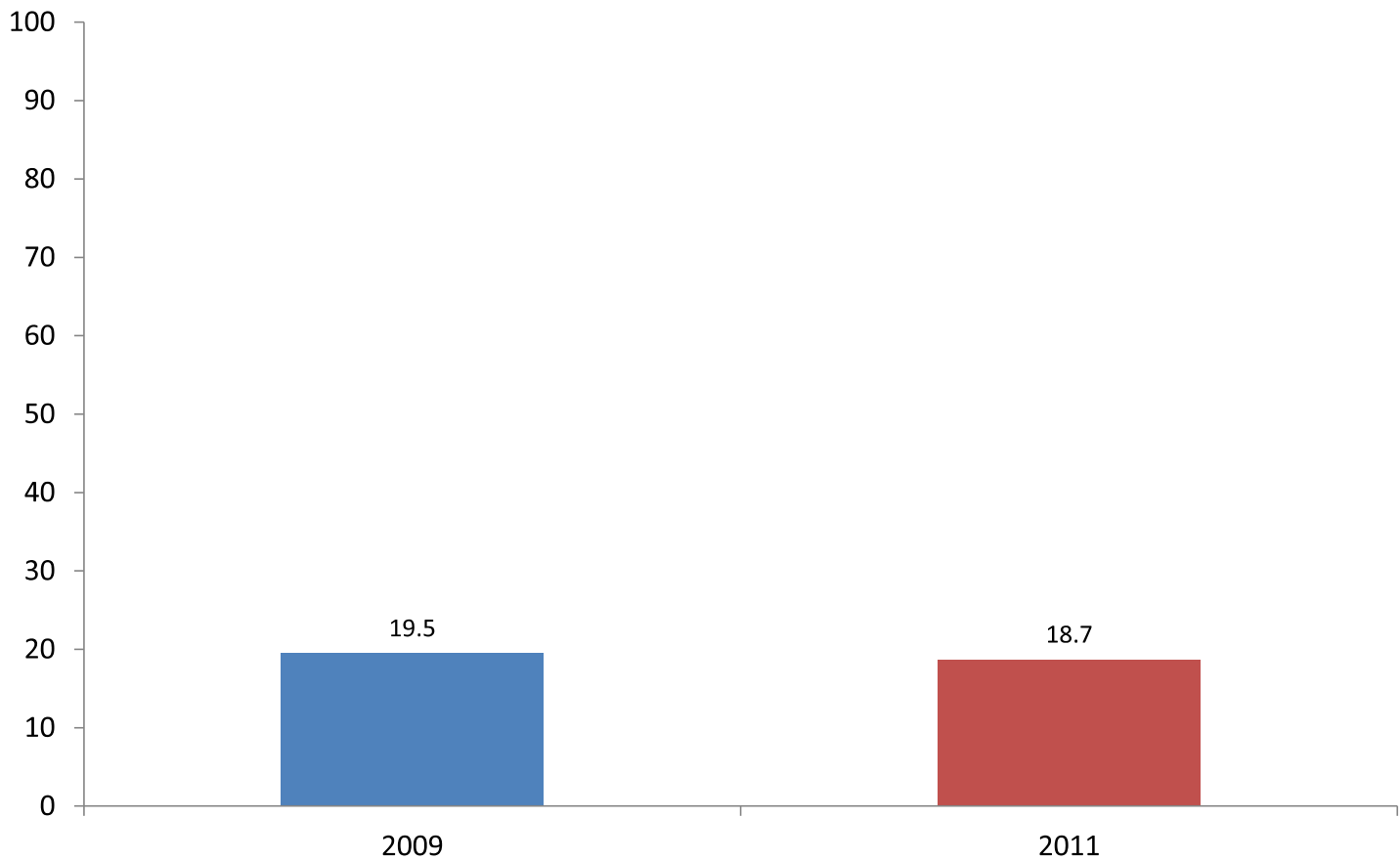
Source: New Mexico Youth Risk and Resiliency Survey, New Mexico Departments of Health and Public Education, and U.S. Center for Disease Control and Prevention, 2011. Student who responded to the question, "Have you ever been bullied on school property?"

Percentage Of New Mexico Middle School Students Who Report Being Bullied By Race, Ethnicity And Gender, 2011



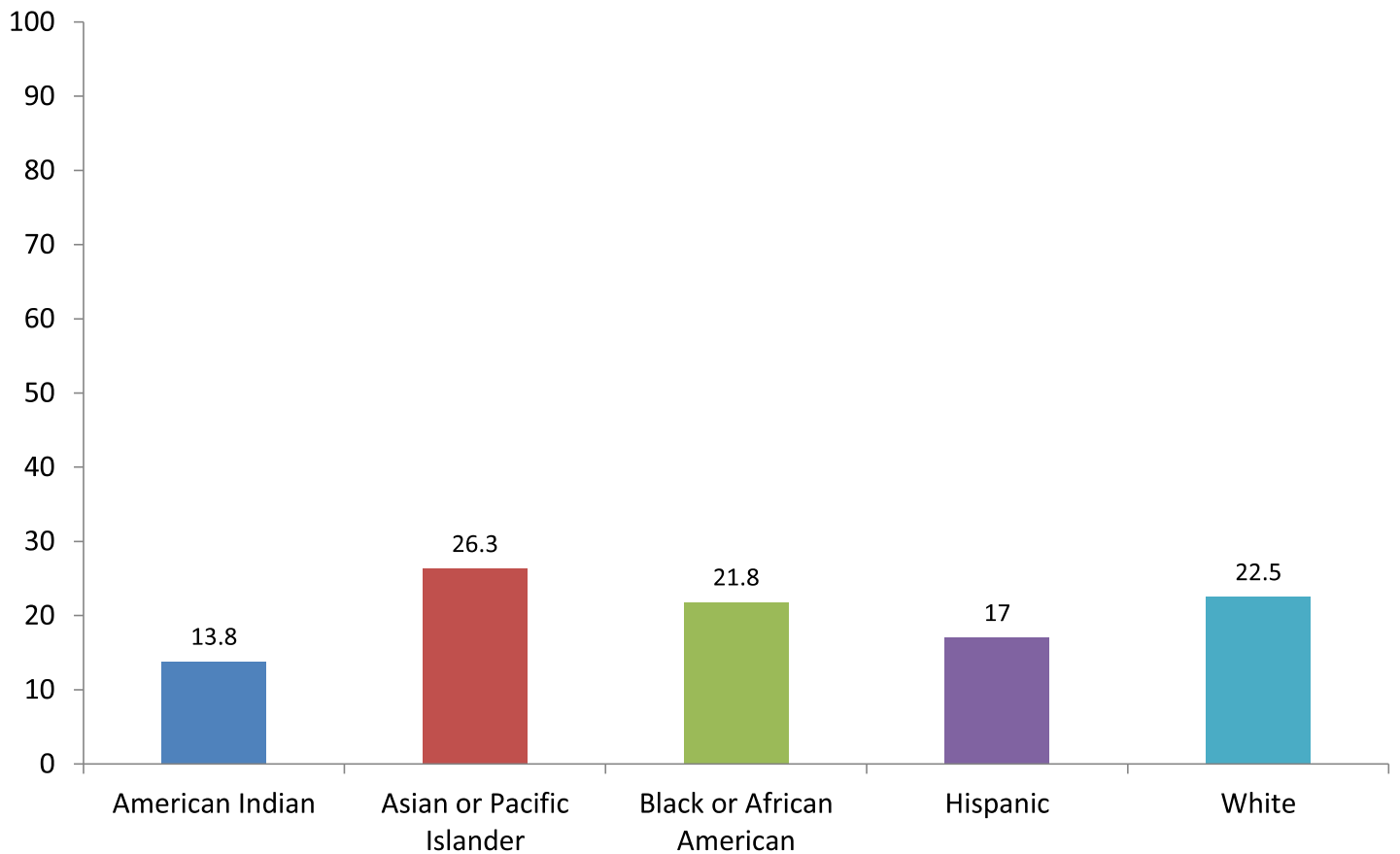
Source: New Mexico Youth Risk and Resiliency Survey, New Mexico Departments of Health and Public Education, and U.S. Centers For Disease Control and Prevention, 2011. Student who responded to the question, "Have you ever been bullied on school property?"

Change In Percentage Of New Mexico High School Students Who Report Being Bullied In 2009 And 2011



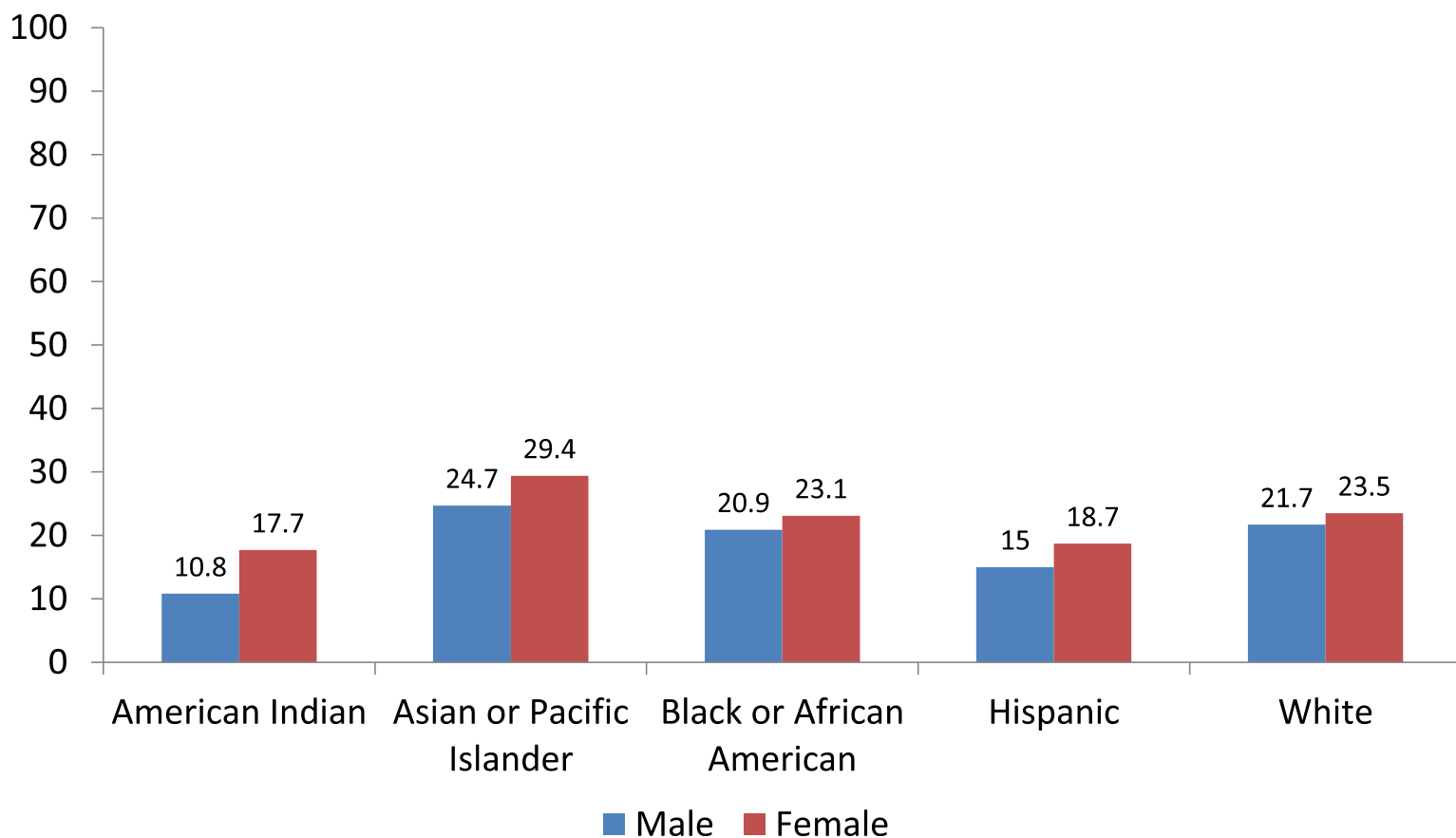
Source: New Mexico Youth Risk and Resiliency Survey, New Mexico Departments of Health and Public Education, and U.S. Center for Disease Control and Prevention, 2011. Student who responded to the question, "During the past 12 months, have you ever been bullied on school property?" Note: This Change Was Not Statistically Significant

Percentage Of New Mexico High School Students Who Report Being Bullied By Race And Ethnicity, 2011



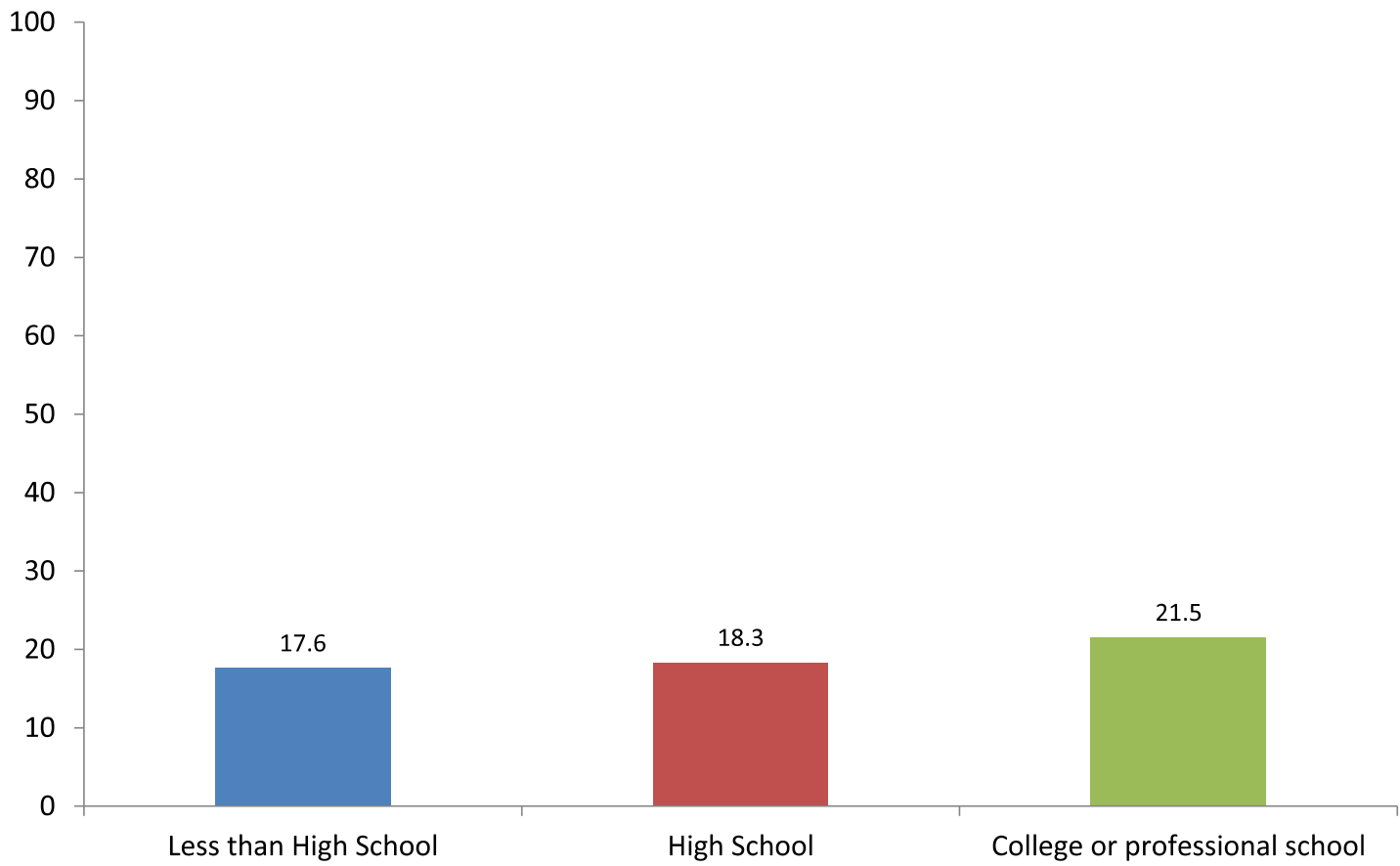
Source: New Mexico Youth Risk and Resiliency Survey, New Mexico Departments of Health and Public Education, and U.S. Centers For Disease Control and Prevention, 2011. Student who responded to the question, "During the past 12 months, have you ever been bullied on school property?"

Percentage Of New Mexico High School Students Who Report Being Bullied By Race, Ethnicity And Gender, 2011



Source: New Mexico Youth Risk and Resiliency Survey, New Mexico Departments of Health and Public Education, and U.S. Centers For Disease Control and Prevention, 2011. Student who responded to the question, "During the past 12 months, have you ever been bullied on school property?"

Change In Percentage Of New Mexico High School Students Who Report Being Bullied By Parental Level Of Education, 2011

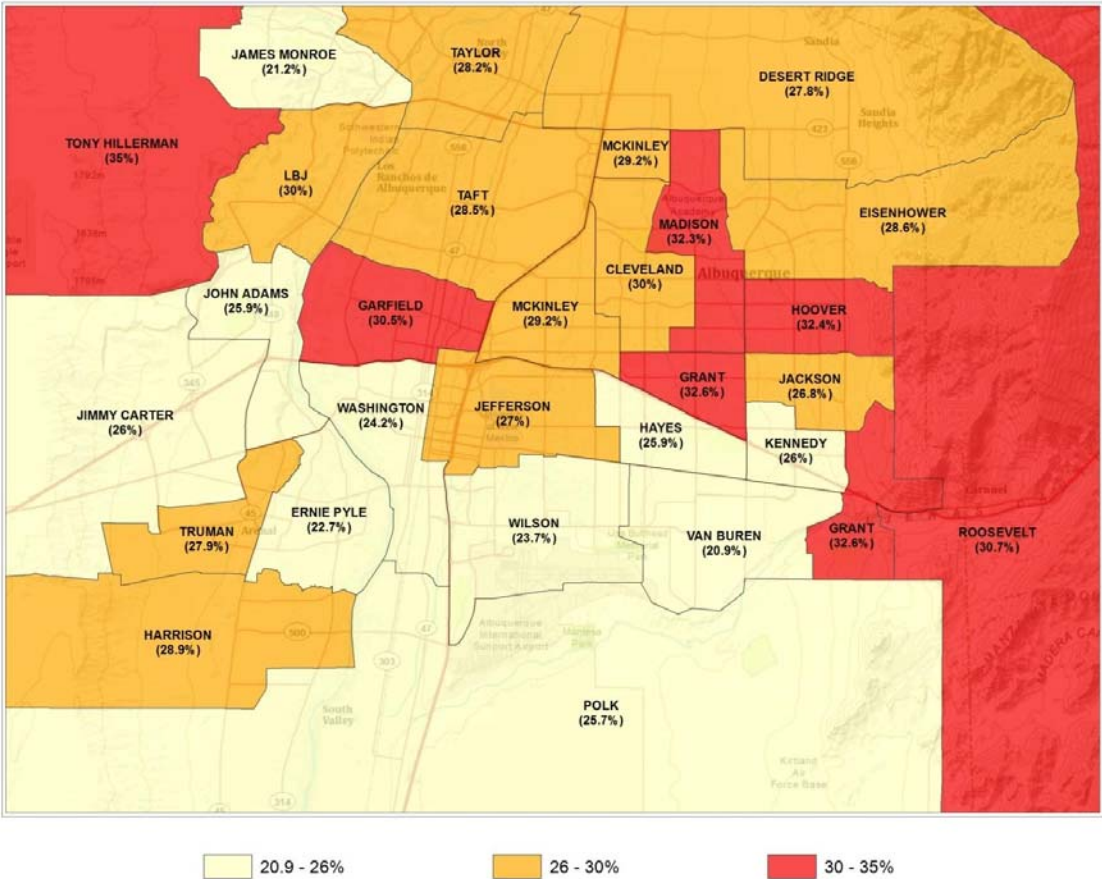


Source: New Mexico Youth Risk and Resiliency Survey, New Mexico Departments of Health and Public Education, and U.S. Center for Disease Control and Prevention, 2011. Students who responded to the question, "During the past 12 months, have you ever been bullied on school property?"

Bullying In Albuquerque

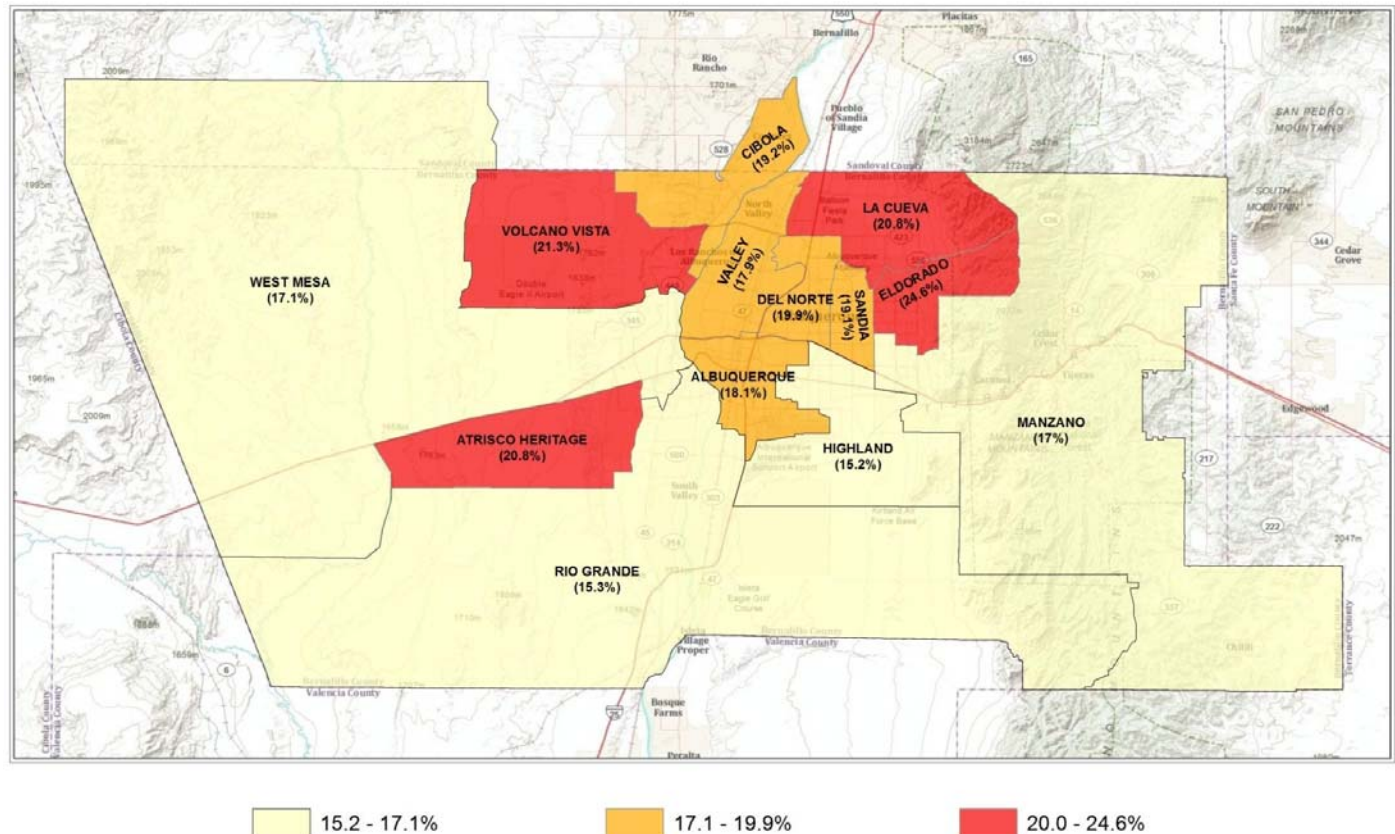
The Albuquerque Public Schools (APS) Gather YRRS Data That Can Be Used To Examine Student Risk Behaviors At The School Level. These Are Important Data That Provide A Deeper Understanding Of Bullying Across Communities Within A District And APS Is To Be Commended For This Effort.

Percentage of Albuquerque Public School Middle School Students Who Were Bullied On School Property



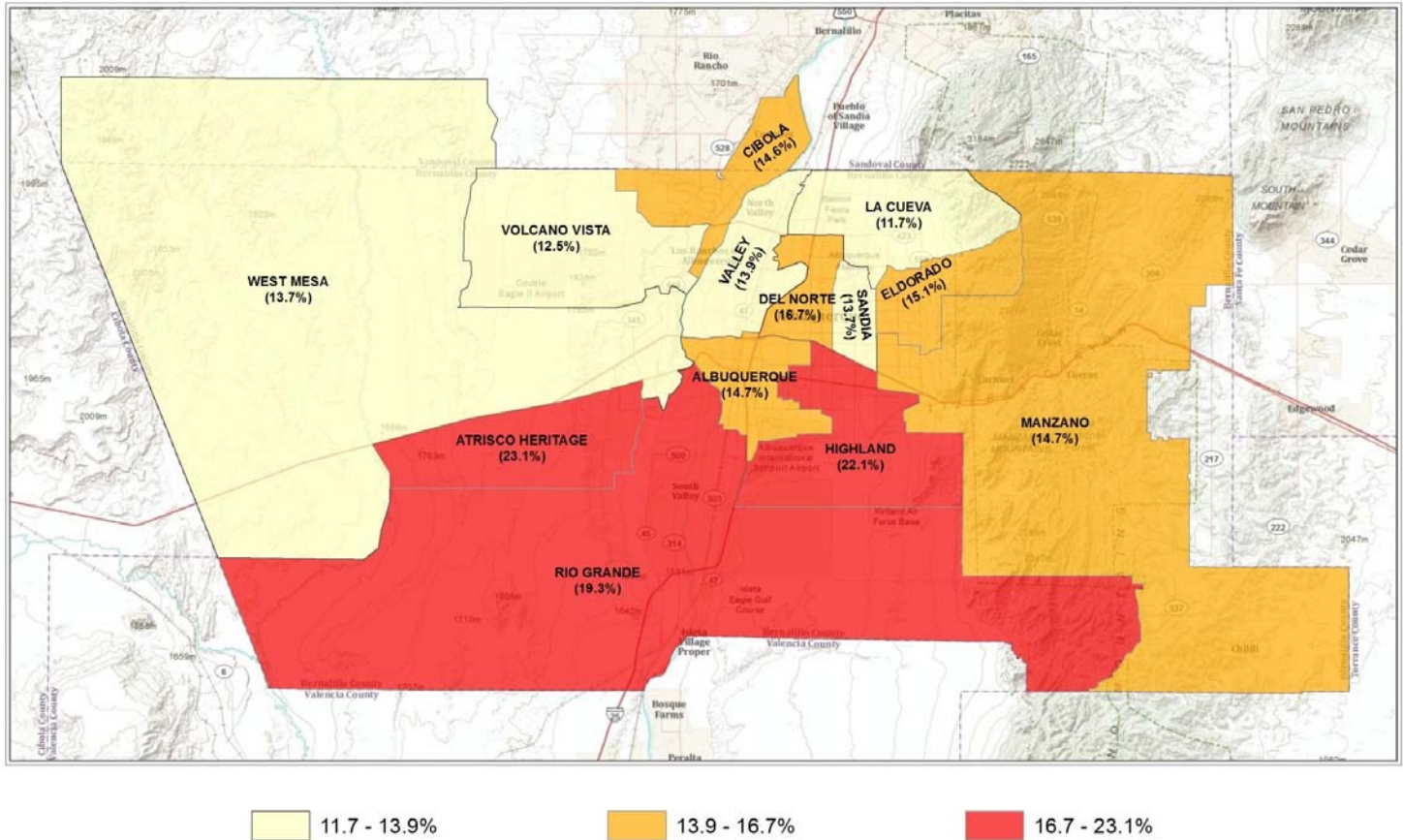
Source: New Mexico Youth Risk and Resiliency Survey, New Mexico Departments of Health and Public Education, and U.S. Centers For Disease Control and Prevention, 2009. Students were asked, “During the past 12 months, have you ever been bullied on school property?” The percentage reported here reflects respondents who answered “Yes.”

Percentage of Albuquerque Public School High School Students Who Were Bullied on School Property



Source: New Mexico Youth Risk and Resiliency Survey, New Mexico Departments of Health and Public Education, and U.S. Centers For Disease Control and Prevention, 2009. Student were asked, "During the past 12 months, have you ever been bullied on school property?" The percentage reported here reflect respondent who answered "Yes."

Percentage of Albuquerque Public School High School Students Who Were In A Physical Fight On School Property



Source New Mexico Youth Risk and Resiliency Survey, New Mexico Departments of Health and Public Education, and U.S. Centers For Disease Control and Prevention, 2009. Students were asked, "During the past 12 months, how many times were you in a physical fight on school property?" The percentage reported here reflects respondents who answered one or more times.

Bullying Prevention Programs

Status of Programs Across New Mexico

- Districts have attended to bullying in different ways.
- Some districts, including Albuquerque Public Schools, have implemented bullying prevention programs
 - Community Matter “Safe School Ambassador Program”
 - Based on theories that have been empirically tested
 - This includes training 40 students per school, who are “student leader” with influence across different student groups
 - Students become leaders who intervene in instances of mistreatment and facilitate school cultural change.

How Effective Are Bullying Prevention Programs ?

- As many of the available programs and models have been recently instated, we have little available data on the effectiveness of these programs with the population of our state.
- Empirical research following policies are necessary to more fully understand the impact of such legislation.

Best Practices

What Is Needed

- It is important to support school district effort to address bullying prevention
- Schools need the resources to implement empirically/field-tested programs to assist in their efforts
- Programs must be empirically tested for effectiveness with special attention to student populations found in New Mexico (e.g., American Indian/Native American, Hispanic/Latino).

Important Case Law

- Doe v. Bellefonte Area School District, 2004
 - Explicitly addressed student harassment based on gender nonconforming behaviors
 - Can act as a model for school district's response
 - Court found in favor of district
 - Each complaint was responded with reasonable actions that eliminated further harassment
 - Students were held accountable
 - District sent memos to faculty and staff informing them of harassment and requesting assistance in preventing further incidents
 - Student was provided with special means of reporting harassment
 - School held assemblies and enacted policies addressing peer-to-peer harassment

Additional Case Law

- Montgomery v. Independent Schools Dist. No. 709, 2000
 - Found in favor of student
 - Student can be award Title IX damages based on sexual orientation harassment
- As such, schools have a responsibility to act when students are bullied, and could face monetary liabilities if they do not respond appropriately.

Best Practices

- Criminalization is not the answer
 - Criminalization continues the school to prison pipeline.
 - Criminalization may impact the reporting of bully-related incidents.
 - Adult ☐ wish to “protect ☐ student ☐” from having legal record ☐
- Prevention Efforts are key in this process
 - Addresses issues before they may occur
 - Long term impact found for both bullies and targets
- Attend to established legislation and case law on the issue
 - US Constitution (1st and 14th Amendment)
 - Title IX
 - Equal Access Act

Best Practices

- Bullying: Naming the Issue
 - Misuse of terminology
 - Change language to “mis-treatment”
 - Think about this as a holistic “violence prevention”
- Bystander Effect
 - Conversations at school with all students and stakeholders
 - Typically 85% of students
 - More likely to see bullying event, be available to respond
 - Research has found that students are less likely to report event to an adult

Best Practices

- Educator and Staff Training
 - All school personnel are held responsible to respond to bullying events, based on current Department of Education and Department of Justice statements.
 - This includes part time staff and aids
- Stakeholders should be included:
 - Parents
 - Community Members
 - Mental Health Professionals

Potential Next Steps

- Criminalization is not the way to go
- Coordinate prevention efforts (e.g., truancy, mental health, substance abuse) to work in concert with one another
- Long term empirical study exploring the effects of different efforts in the state to address this issue
 - Special attention to specific student groups found in our state and not often studied (e.g., American Indian/Native American, Hispanic/Latino)
- State-wide interactive portal for educators, families, and communities to refer to information, resources, and appropriate contacts

Questions To Address

- Which forms of cyberbullying are actionable? How should we distinguish free expression from censorable online behavior?
- Precisely which cyber expressions are restricted (e.g., time, place, manner and content)? Under what circumstances should student expression actually interfere with students' rights to educational benefits or substantially detract from the learning environment?
- What is a school's duty to protect? When should student expression reasonably portend disruption of the educational environment?
- How do we enforce sanctions when there is no categorical harassment exception, bullying exception, or mean-spirited exception under the First Amendment
- How do we know if legal sanctions are an effective deterrent to bullying and cyberbullying? Should bullying be deemed a criminal offense in New Mexico? If so, what sanctions are appropriate for children and teens?
- How should administrators should make decisions about bullying/cyberbullying offenses, when there is no safe or completely correct answer?

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Information For School Staff, Parents, Students, And The Community

- Centers for Disease Control and Prevention's Compendium of Assessment Tools:
 - Measuring Bullying Victimization, Perpetration, and Bystander Experiences -
<http://www.cdc.gov/ViolencePrevention/pdf/BullyCompendium-a.pdf>
- Cyberbullying Research Center – <http://cyberbullying.us/>
- Gay, Lesbian and Straight Education Network: Anti-Bullying Resources
<http://www.glsen.org/cgi-bin/iowa/all/antibullying/index.html>
- National Bullying Prevention Center - <http://www.pacer.org/bullying/>
- U.S. Department of Education Safe and Supportive Schools Technical Assistance Center – <http://safesupportiveschools.ed.gov/index.php?id=8>
- U.S. Department of Health and Human Services Stop Bullying Now Campaign – [Stopbullying.gov](http://stopbullying.gov)

Additional Resources

- Anti-Defamation League: A World of Difference Institute
<http://www.adl.org/education-outreach/bullying-cyberbullying/>
- Collaborative for Academic, Social and Emotional Learning (CASEL) -
<http://casel.org/>
- CyberSmart! Cyberbullying Package -
<http://www.nasponline.org/resources/cyberbullying/index.aspx>
- Olweus Bullying Prevention Program - Violencepreventionworks.org
- Pacer's National Bullying Prevention Center -
<http://www.pacer.org/bullying/>
- The Hamilton Fish Institute on School and Community Violence at the George Washington University - <http://gwired.gwu.edu/hamfish>
- US Department of Health and Human Services - Stopbullying.gov
- Vulnerable Targets: Students with Disabilities and Bullying -
<http://www.fcsn.org/newsline/v30n3/bullying.php>

Resources (Continued)

- Massachusetts Advocates for Children Trauma and Learning Policy Initiative (TLPI) - <http://www.massadvocates.org/trauma-learning.php>
- Medline Plus: Bullying, a service of the National Library of Medicine and the National Institutes of Health - <http://www.nlm.nih.gov/medlineplus/bullying.html>
- Mental Health America's Factsheet: Bullying and Gay Youth <http://www.nmha.org/go/information/get-info/children-s-mental-health/bullying-and-gay-youth>
- National Criminal Justice Reference Service, U.S. Department of Justice, Internet Safety Information - <https://www.ncjrs.gov/internetsafety/>
- National School Safety Center - <http://www.schoolsafety.us/>
- STRYVE: Striving to Reduce Youth Violence Everywhere - <http://www.cdc.gov/violenceprevention/STRYVE/index.html>



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