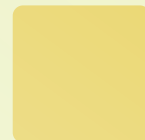
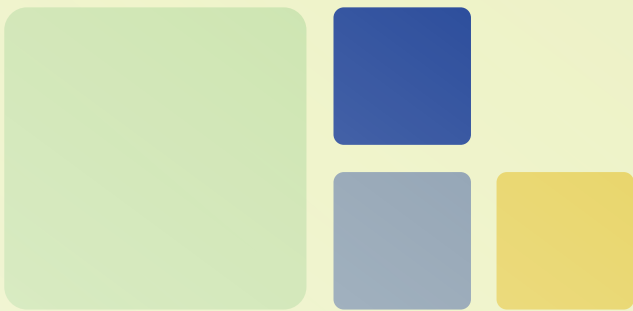


# A DESCRIPTIVE ANALYSIS OF HARASSMENT, INTIMIDATION, AND BULLYING STUDENT BEHAVIORS:

---

2011-2012

JUNE 2013





**WEST VIRGINIA BOARD OF EDUCATION  
2012-2013**

**L. Wade Linger Jr.**, President  
**Gayle C. Manchin**, Vice President  
**Robert W. Dunlevy**, Secretary

**Thomas W. Campbell**, Member  
**Tina H. Combs**, Member  
**Michael I. Green**, Member  
**Lloyd G. Jackson II**, Member  
**William M. White**, Member

**Paul L. Hill**, Ex Officio  
Chancellor  
West Virginia Higher Education Policy Commission

**James L. Skidmore**, Ex Officio  
Chancellor  
West Virginia Council for Community and Technical College Education

**James B. Phares**, Ex Officio  
State Superintendent of Schools  
West Virginia Department of Education

**Suggested Citation**

West Virginia Department of Education (2012). *A descriptive analysis of harassment, intimidation, and bullying student behaviors: 2011-2012*. Charleston, WV: Author.

## 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 disciplinary actions taken by schools for *harassment*, *intimidation*, and *bullying* behaviors during the 2011-2012 school year. Cross tabulations are provided by school program level (i.e., based on No Child Left Behind [NCLB] school type used for adequate yearly progress [AYP] determination), student demographic characteristics, and by school district.

### 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 not be addressed by the same interventions. According to a federal government website managed by the U.S. Department of Health & Human Services ([www.stopbullying.gov](http://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 data related to the occurrence and corresponding disciplinary actions for harassment, intimidation, and bullying behaviors were extracted from WVEIS, along with corresponding data related to school program level (i.e., elementary, middle, and high school) and enrollment. 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 at the school level into alignment with §18-2C. 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 both the means of and reasons for harassment, intimidation, and bullying behavior. This new module was piloted in a small number of schools during the final months of the 2011-12 school year with the intention of scaling to full implementation during 2012-13. Consequently, the majority of data summarized here that were specific and most directly connected to the legislative definition in §18-2C-3 were recorded under behavior descriptions and WVEIS reporting modules in place prior to the effective date of the revised Policy 4373 (Table 1).

**Table 1. Behaviors Reported in the WVEIS That are Specific and Most Directly Connected to the Legislative Definition of Harassment, Intimidation, or Bullying.**

WVEIS offense	Policy description
Derogatory behavior in relation to race, sex, religion, and/or ethnicity	. . . profanity, insulting remarks, or obscene gestures toward another student that causes embarrassment, discomfort, or reluctance to participate in school activities (WVDE, 2007, p. 1)
Harassment, intimidation, or bullying behaviors	. . . any intentional gesture, or any intentional written, verbal or physical act or threat that: (a) a reasonable person under the circumstances should know will have the effect of : (1) harming a student; (2) damaging a student’s property; (3) placing a student in reasonable fear of harm to his or her person; or (4) placing a student in reasonable fear of damage to his or her property; or (b) is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening or abusive educational environment for a student. (W.Va. Code §18-2C-2, cited in WVBE Policy 4373 circa 2003, p. 7)
Harassment—racial/religious/ethnic/sexual	<p>RACIAL HARASSMENT consists of physical, verbal or written conduct relating to a person’s race and includes, but is not limited to:</p> <ol style="list-style-type: none"> <li>1. use of demeaning language with racial connotations</li> <li>2. use of language or gestures which imply inferiority of a race</li> <li>3. gestures or words that are disrespectful to a race or individual (jokes included)</li> <li>4. Intolerance of cultural differences.</li> </ol> <p>RELIGIOUS/ETHNIC/NATIONAL ORIGIN HARASSMENT consists of physical, verbal or written conduct which is related to an individual’s religion, ethnic background or national origin and includes, but is not limited to:</p> <ol style="list-style-type: none"> <li>1. use of demeaning language with religious, ethnic or national origin connotations</li> <li>2. use of language or gestures which imply inferiority of a religious, ethnic or national origin group</li> <li>3. Gestures or words that are disrespectful to a religion, ethnic or national origin group or individual (jokes included).</li> </ol> <p>SEXUAL HARASSMENT consists of unwelcome sexual advances, requests for sexual favor, sexually motivated physical contact and other inappropriate verbal or physical conduct or communication of a sexual nature when made by any student to another student or staff member and may include, but is not limited to the following:</p> <ol style="list-style-type: none"> <li>1. unwelcome verbal harassment or abuse in matters pertaining to sexuality</li> <li>2. unwelcome pressure for sexual activity</li> <li>3. unwelcome touching, patting, physical contact</li> <li>4. unwelcome sexual behavior or words with demeaning implications or gestures</li> </ol>

*Table 1 continues on next page.*

**Table 1. Behaviors Reported in the WVEIS That are Specific and Most Directly Connected to the Legislative Definition of Harassment, Intimidation, or Bullying.**

WVEIS offense	Policy description
Harassment—racial/ religious/ethnic/sexual (continued)	5. unwelcome demands for sexual favor accompanied by promises (implied or overt) of preferential treatment  6. unwelcome behavior, verbal or written words or symbols directed at an individual because of gender  7. the use of authority to emphasize the sexuality of a student in a manner that prevents or impairs the student’s full enjoyment of educational benefits, climate or opportunities. (WVDE, 2007, p. 1)

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 these behaviors overall and by school program level. Additional analyses were performed to describe the demographic characteristics of students reported for these behaviors and geographic distribution of the reported behaviors.

### Limitations

Discipline referrals are reported into WVEIS at the discretion of local school staff. Although a prescribed coding scheme with corresponding behavior descriptions has been provided, it is subject to variation in interpretation and usage among the nearly 700 schools around the state. Also, a small number of behavioral offense codes entered into the WVEIS system failed to match those in the prescribed coding scheme. Because of these coding errors it was not possible to determine precisely the nature of the behaviors reported under these erroneous codes.

## FINDINGS

### Discipline Referrals

Overall there were 238,464 discipline referrals entered into the WVEIS during the 2011-12 school year for any type of inappropriate behavior. Of the approximately 280,000 students enrolled in West Virginia’s public schools that year, however, only 63,567 (23%) were represented in the discipline data, many of whom (41%) were referred for only a single offense. It is notable that over 15,000 (23%) of the students represented in discipline referral data were reported for five or more offenses, suggesting a potential need for more intensive behavioral supports beyond traditional and oft used punitive disciplinary actions.

The topic of this report, however, is that of discipline referrals specific to harassment, intimidation, and bullying. During the 2011-2012 school year, a total of 6,313 discipline referrals for these specific behaviors were reported statewide, which amounted to 2.7% of all discipline referrals entered into the WVEIS. In total these behaviors were reported for 5,003 students, however the vast majority of the students (4,098 or 82%) were reported for a single occurrence while an additional 905 (18%) were reported for 2 or more offenses (Table 2).



**Table 2. Number of Students by Number of Harassment, Intimidation, and Bullying Discipline Referrals, 2011–2012.**

Number of referrals	Students referred for harassment, intimidation, and bullying	
	Number	Percent
Total	5,003	100.0
1	4,098	81.9
2	664	13.3
3	157	3.1
4	50	1.0
5 or more	34	0.7

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. The behaviors coded under the WVEIS discipline reporting system (Table 1) provide a glimpse into those reasons. Sixty-seven percent of the discipline referrals were reported under the more global description of harassment/bullying/intimidation (Table 3). The remainder was split between derogatory behavior (16%) and harassment (17%) in relation to race, sex, religion, and/or ethnicity.

Although these findings provide some additional insight into reasons for the offenders' behavior they are limited in scope and specificity. Also uncertain is the number that may overlap with discriminatory harassment covered under federal civil rights laws. Techniques have been integrated into the redesigned WVEIS discipline application to improve data collection regarding the reasons for this type of behavior and, as such, it is hoped that more specific information will be available in future years. To gain a more detailed and relevant account, 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 of the offense.

**Table 3. Number of Harassment, Intimidation, and Bullying Discipline Referrals by Specific WVEIS Behavior Offense, 2011–2012.**

Behavior offense	Harassment, intimidation, and bullying referrals	
	Number	Percent
All offenses (total)	6,313	100.0
Harassment/bullying/intimidation	4,256	67.4
Derogatory behavior in relation to race, sex, religion, and/or ethnicity	1,001	15.9
Harassment—racial/religious/ethnic/sexual	1,056	16.7

Given the serious nature of harassment, intimidation, and bullying it was suspected that students having received a discipline referral for this behavior 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 4). Overall, students engaged in harassment, intimidation, and bullying behaviors were indeed reported for other discipline problems, most frequently in the aggressive conduct (32.5%) and failure to obey rules/authority (28.3%) categories (Table 4).

Notable trends were observed. As the number of student discipline referrals for harassment, intimidation, and bullying behaviors increased, so did the rate of referrals for other behaviors in the aggressive conduct and disrespectful/inappropriate conduct categories (Table 4). Conversely, as the number of harassment, intimidation, and bullying discipline referrals increased the rate of referrals in the failure to obey rules/authority and tardiness and truancy categories decreased.

**Table 4. Other Inappropriate Behaviors Reported in the WVEIS by the Number of Harassment, Intimidation, and Bullying Discipline Referrals, 2011–2012.**

Number of harassment, intimidation, and bullying discipline referrals	Percent of total inappropriate behavior reports				
	Aggressive conduct disrespectful/inappropriate conduct	Failure to obey rules/	Authority	Tardiness and truancy	All other categories
Overall <sup>1</sup>	32.5	23.2	28.3	10.2	5.7
1	30.7	22.5	29.3	11.7	5.8
2	35.7	23.9	27.7	7.0	5.8
3	37.1	27.2	23.1	6.9	5.7
4	47.0	23.6	17.6	6.0	5.9
5 or more	39.9	28.7	24.7	4.7	2.0

<sup>1</sup> The overall percent here represents a weighted average rather than an arithmetic average 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 more than half (53%) were reported at the middle school level, followed by high schools (26%) and elementary schools (18%) (Table 5). At the middle school program level the number of referrals was about 5% of total middle school enrollment, more than double the percentage seen at the high school, and five times that at the elementary school levels.

**Table 5. Number and Percent of Harassment, Intimidation, and Bullying Discipline Referrals by School Program Level, 2011-12.**

Program level	Total enrollment	Harassment, intimidation, and bullying referrals		
		Number	Percent of referrals*	Percent of enrollment
Total	279,706	6,313	99.9	N/A
Elementary	118,650	1,131	17.9	1.0
Middle	69,365	3,367	53.3	4.9
High	83,789	1,667	26.4	2.0
Other <sup>1</sup>	N/A	89	1.4	N/A
Not Tested <sup>2</sup>	7,902	59	0.9	0.7

\*Total does not add up to 100% due to rounding.

<sup>1</sup> Alternative school, institutional program, and other non-traditional school settings

<sup>2</sup> Schools outside the tested grade range (i.e., Grades 3 through 11).



On average there were about 115 harassment, intimidation, and bullying discipline referrals per county. The top five counties in the number of discipline referrals for these behaviors were Kanawha County with 900, followed by Cabell (406), Mercer (323), Berkeley (307), and Upshur (295) counties (Table 6). These raw number counts are somewhat misleading in that they do not take into consideration the size of the student population in each county. When viewed as a percentage of student enrollment, a much different distribution emerges. The top five counties from this perspective were Upshur County at 7.6% of enrollment, followed by Mingo (5.8%), Gilmer (5.4%), Lewis (5.1%), and Pocahontas (4.8%) counties.

**Table 6. Number and Percent of Harassment, Intimidation, and Bullying Discipline Referrals by County, 2011-12.**

County	Harassment, intimidation, and bullying referrals			County	Harassment, intimidation, and bullying referrals		
	Total enrollment	Number	Percent of enrollment		Total enrollment	Number	Percent of enrollment
All counties*	280,490	6,303	2.25	Mercer	9,594	323	3.37
Barbour	2,449	53	2.16	Mineral	4,279	103	2.41
Berkeley	17,741	307	1.73	Mingo	4,479	262	5.85
Boone	4,548	155	3.41	Monongalia	10,914	68	0.62
Braxton	2,155	87	4.04	Monroe	1,874	56	2.99
Brooke	3,304	86	2.60	Morgan	2,543	40	1.57
Cabell	12,871	406	3.15	Nicholas	4,051	65	1.60
Calhoun	1,137	13	1.14	Ohio	5,438	38	0.70
Clay	2,047	16	0.78	Pendleton	1,043	4	0.38
Doddridge	1,145	47	4.10	Pleasants	1,251	6	0.48
Fayette	6,873	212	3.08	Pocahontas	1,145	55	4.80
Gilmer	931	50	5.37	Preston	4,597	137	2.98
Grant	1,871	73	3.90	Putnam	9,713	142	1.46
Greenbrier	5,300	136	2.57	Raleigh	12,316	245	1.99
Hampshire	3,591	79	2.20	Randolph	4,252	104	2.45
Hancock	4,313	14	0.32	Ritchie	1,535	25	1.63
Hardy	2,277	27	1.19	Roane	2,475	27	1.09
Harrison	10,997	229	2.08	Summers	1,564	25	1.60
Jackson	4,993	97	1.94	Taylor	2,381	51	2.14
Jefferson	8,688	158	1.82	Tucker	1,073	14	1.30
Kanawha	27,967	900	3.22	Tyler	1,403	11	0.78
Lewis	2,623	135	5.15	Upshur	3,859	295	7.64
Lincoln	3,680	68	1.85	Wayne	7,433	52	0.70
Logan	6,391	82	1.28	Webster	1,490	68	4.56
Marion	7,919	60	0.76	Wetzel	2,855	54	1.89
Marshall	4,720	76	1.61	Wirt	1,000	22	2.20
Mason	4,256	58	1.36	Wood	13,424	284	2.12
McDowell	3,531	36	1.02	Wyoming	4,191	67	1.60

\*Totals shown in the *All counties* row may not include students enrolled in special districts for Institutional Education Programs or the West Virginia School for the Deaf and Blind.

### Student Demographic Characteristics

Nearly three quarters (73%) of students receiving a discipline referral for harassment, intimidation, and bullying behaviors in the 2011-12 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. White students were present at a slightly lower rate while Black students were present at a higher rate than their respective statewide representation. Other races were present in roughly the same proportions as their representation in the overall student population (Table 7).

**Table 7. Race of Students Reported for Harassment, Intimidation, and Bullying Discipline Referrals, 2011–2012**

Race	Students reported for harassment, intimidation, and bullying		Percent of enrollment statewide*
	Number	Percent	
All races	5,003	100.0	99.9
American Indian/Alaskan	4	0.1	0.1
Asian	17	0.3	0.7
Black	449	9.0	5.0
Hispanic	42	0.8	1.2
Multiple race	65	1.3	1.2
Pacific Islands	3	0.1	0.0
White	4,423	88.4	91.7

\*Percentages may not add up to 100 due to rounding.

Of the 5,003 students for which harassment, intimidation, and bullying discipline referrals were recorded in the WVEIS, 1,201 (24%) were at the time of referral identified as eligible for special education services under specific primary areas of exceptionality. This seems disproportionately high, given that about 15% of all students in West Virginia were eligible for special education services during 2011-12. The harassment, intimidation, and bullying discipline referrals for this group of students accounted for 1,606 (25%) of all such discipline referrals reported into the WVEIS.

### Disciplinary Actions

Historically a small set of prescribed disciplinary actions were set forth in state policy for addressing student discipline referrals. These included exclusion from the classroom, in-school or out-of-school suspension, expulsion, or placement into an alternative educational setting. Districts were permitted, however, to define actions for use within their local system of schools. Consequently, district-defined disciplinary actions entered into the WVEIS varied widely among the districts and are largely unidentifiable without substantial effort. As a result of having this option, district-defined actions have been the most frequently reported actions entered into the WVEIS for all types of offenses, accounting for over 60% of actions during 2011-12.

Following this trend but to a lesser degree in 2011-2012, unspecified or district-defined actions accounted for 39% of actions taken for harassment, intimidation, or bullying behaviors (Table 8). These actions were followed in frequency by out-of-school suspension (38%) and in-school suspension (22%). The remaining identifiable actions together amounted to only 1% of actions taken by schools.

**Table 8. Number and Percent of Disciplinary Actions Taken By Schools in Response to Harassment, Intimidation, or Bullying Offenses, 2011-12.**

Disposition	Frequency	Percent
Total	6,313	100.0
Exclusion from classroom	43	0.7
Detention	8	0.1
In-school suspension	1,395	22.1
Out-of-school suspension	2,395	37.9
Alternative education placement	4	0.1
Expulsion	8	0.1
Unspecified or District Defined Action	2,460	39.0

### Summary of Findings

The following are key findings from a descriptive analysis of harassment, intimidation, and bullying student behaviors reported during the 2011-2012 school year:

- Overall there were 238,464 discipline referrals entered into the WVEIS in the 2011-12 school year for any type of inappropriate student behaviors.
- Of the total number of discipline referrals in WVEIS, 6,313 (2.7%) were for harassment, intimidation, and bullying behaviors.
- Determination of the reasons for harassment, intimidation, and bullying behaviors is limited, however data for 2011-12 indicate that most (67%) were reported under a more global but less-specific harassment, intimidation, and bullying description, whereas the remainder were reported under 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 (53%) followed by high schools (26%) and elementary schools (18%).
- Students referred for harassment, intimidation, and bullying behaviors also were referred for other categories of inappropriate behaviors. In decreasing order, these categories were aggressive conduct (33%), failure to obey rules/authority (28%), disrespectful/inappropriate conduct (23%), and tardiness and truancy (10%).
- Unspecified or district-defined disciplinary actions accounted for 39% of actions taken for harassment, intimidation, or bullying behaviors, followed by out-of-school (38%) and in-school (22%) suspensions.
- A total of 5,003 students were referred for disciplinary action for these behaviors, most of whom (82%) were referred for a single offense.
- Nearly three quarters (73%) of the students referred for these behaviors were male.
- About 88% of the students referred for these behaviors were White with the remaining 12% from other race or ethnic groups.
- Nearly a quarter (24%) of the students were identified as eligible for special education services at the time of referral.

- In terms of raw numbers of student discipline referrals for harassment, intimidation, and bullying behaviors, the top five counties were Kanawha County with 900, followed by Cabell (406), Mercer (323), Berkeley (307), and Upshur (295) Counties.
- The top five counties when viewed as a percentage of student enrollment were Upshur County at 7.6% of enrollment, followed by Mingo (5.8%), Gilmer (5.4%), Lewis (5.1%), and Pocahontas (4.8%) Counties.

## 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 1). 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).

The policy has only recently taken effect and schools across the state are in the early stages of implementation. The framework, however, evolved from and is in current use in 22 high schools around the state as grantees in the U.S. Department of Education's Safe and Supportive Schools (S3) grant program. Likewise, the framework is similar to that promoted in School-Wide Positive Behavior Interventions & Supports (SWPBIS), also in use in selected schools around the state. Collectively, interventions put into place under these frameworks are done to explicitly state the expectations for appropriate behavior school-wide, and build staff capacity to teach and reinforce those expectations for the purpose of improving conditions for learning.

There is a growing body of evidence that school-wide approaches are more effective at preventing these behaviors than short-term responses such as school assemblies, one-shot lessons taught in selected classes (e.g., health education), or similar approaches. Although it is too early to state with confidence that following the framework described in Policy 4373 is leading to improved school climate conditions, the 22 S3 schools, as a group, saw a 12.4% decrease in discipline referrals for harassment, intimidation, and bullying behaviors from the previous school year. 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.*

**Figure 1. Components of the Policy 4373 implementation framework.**

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)

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.<sup>1</sup> 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.

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* 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 an enormous need for supports under the SPL framework. The second recommendation 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 a school-wide approach to promote appropriate behavior.*

Despite the implementation of effective prevention, it is probably not possible to totally eliminate harassment, intimidation, and bullying incidents. In 2011-12, 39% 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 (38%) or in-school (22%) 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).

1 For a compendium of resources related to SPL, see [wvde.state.wv.us/spl](http://wvde.state.wv.us/spl).

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.*

It is important to point out that the newly designed WVEIS discipline module, being scaled to full implementation this year, provides a much expanded, standardized list of actions and interventions. In the future it will be possible to identify more specifically, the kinds of actions and interventions schools use to address harassment, intimidation, and bullying and other inappropriate behaviors and, to some extent, to assess their effectiveness.

## 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>.
- Harassment, Intimidation or Bullying Prohibition, West Virginia State Code §18-2C (Updated 2011 4<sup>th</sup> Special Session). Retrieved from <http://www.legis.state.wv.us/WVCODE/Code.cfm?chap=18&art=2C#02C>.
- U.S. Department of Health & Human Services. (n.d.). Bullying definition. Retrieved from <http://www.stopbullying.gov/what-is-bullying/definition/index.html>.
- West Virginia Department of Education (2007). *WVEIS discipline/conduct codes* (Updated June, 2007). Charleston, WV: Author.





James B. Phares, Ed.D.  
State Superintendent of Schools