A Descriptive Analysis of Harassment, Intimidation, or Bullying Student Behaviors
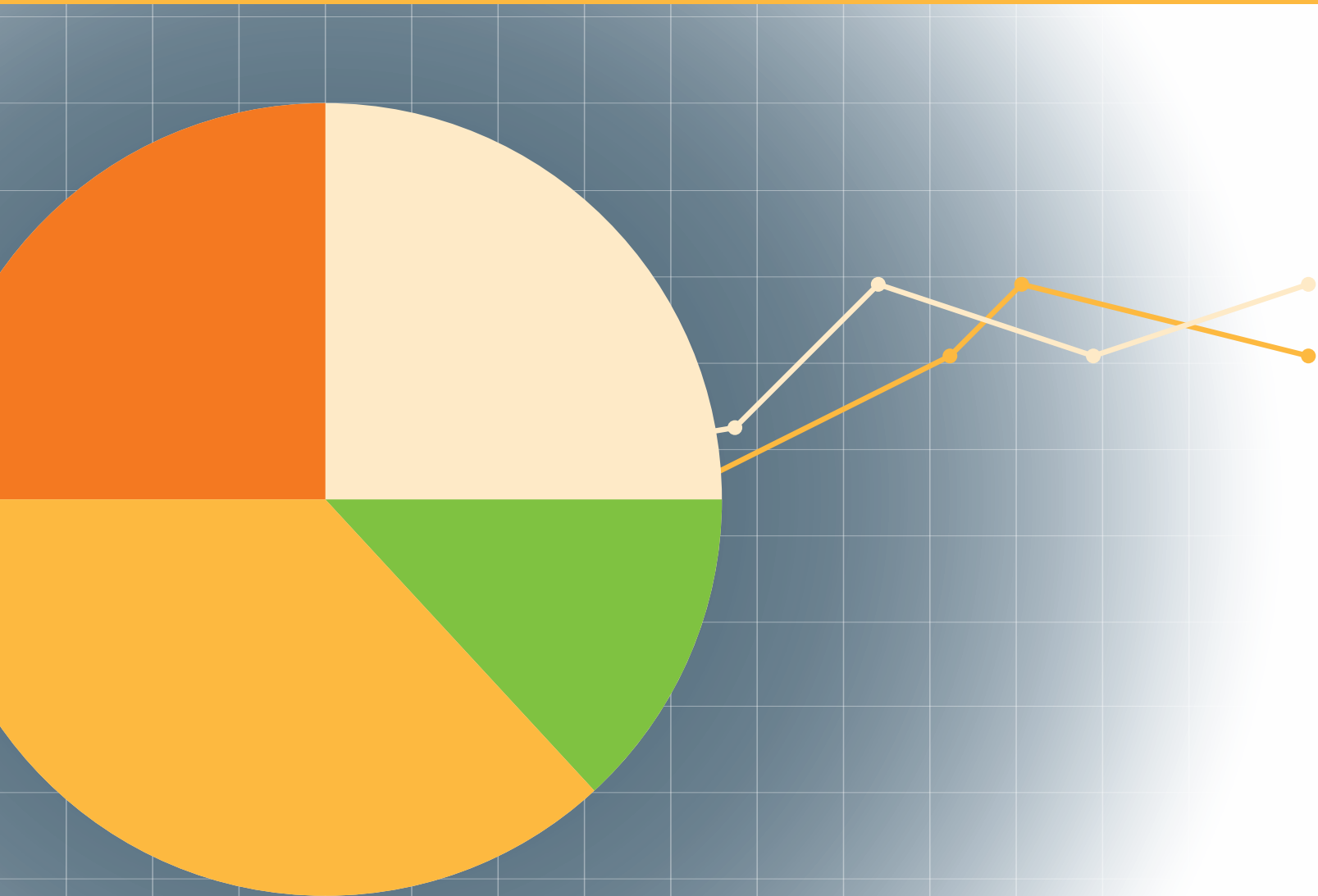
2013–2014

West Virginia Department of
EDUCATION
Office of Research

A Descriptive Analysis of Harassment, Intimidation, or Bullying Student Behaviors: 2013-2014

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Executive Summary

This report describes the occurrence of discipline referrals and corresponding interventions and consequences used by schools for *harassment, intimidation,* or *bullying* behaviors during the 2013-2014 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, or bullying behaviors and interventions used by schools; and a second addressing questions about the characteristics of students reported for these behaviors.

Findings. Of the 209,602 student discipline referrals reported in WVEIS, 3,533 (1.7%) were for harassment, intimidation, or bullying behaviors. Most of these referrals were at the middle school level (47%) followed by high school (29%) and elementary school (24%). Students referred for harassment, intimidation, or bullying behaviors also were referred for other categories of inappropriate behaviors, including disruptive/disrespectful conduct (49%), failure to obey rules/authority (26%), tardiness or truancy (12%), and aggressive conduct (10%). Disciplinary interventions or consequences used by schools in response to harassment, intimidation, or bullying behaviors included out-of-school suspensions (33%), followed by in-school suspensions (20%), detentions (13%), and administrator/teacher and student conferences (12%). All other interventions or consequences were used at lower rates.

Of the 2,957 students referred for disciplinary action for harassment, intimidation, or bullying behaviors, most (86%) were referred for a single offense. Three quarters 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. Nearly a quarter (24%) 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. F*indings are dependent on the completeness and accuracy of data submitted by schools and certified as accurate by districts. Evidence of non-reporting and under-reporting was present. Discipline referrals are reported at the discretion of local school staff. Although a prescribed coding scheme with behavior descriptions has been provided, it is subject to variation in interpretation and usage.

Recommendations include (a) address harassment, intimidation, or 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 multi-tiered framework 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, or bullying* behaviors during the 2013-2014 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 2013 Youth Risk Behavior Surveillance System (YRBSS) indicated that about 22% of 9th through 12th grade students and about 52% of 6th through 8th grade students in West Virginia reported having been bullied on school property in the 12 months prior to the survey. Additionally, 17% of high school students and 27% of middle school students reported having been electronically bullied 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. Bullying and *discriminatory harassment* may overlap, however, 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. The U.S. Department of Education Office for Civil Rights cautions that "by limiting their responses to a specific application of an anti-bullying or other disciplinary policy, [schools] may fail to properly consider whether the student misconduct also results in discrimination in violation of students' federal civil rights" (Ali, 2010, p. 1).

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

Method

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, or bullying behaviors at the school level into alignment with §18-2C (See Appendix A. WV Board of Education Policy 4373, page 15) In the context of managing student discipline in West Virginia's school system, harassment, intimidation, or 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. The new discipline reporting system was scaled to full statewide implementation during the 2013–2014 school year.

Discipline referral (DR) data related to the occurrence and corresponding interventions and consequences for harassment, intimidation, or bullying behaviors used in this report were extracted from WVEIS. We attempted to extract discipline referral data in a way that, to the extent possible, was consistent with the legislative definition provided above. Our analyses consisted of determining the frequency and prevalence rate (i.e., occurrence expressed as a percentage of 2nd month school enrollment figures) of harassment, intimidation, or bullying behaviors. We also examined and described the grade and demographic characteristics of students reported for these behaviors.

Limitations

The findings of this report are dependent on the completeness and accuracy of data submitted by schools and subsequently certified as accurate by districts. However, we detected substantial evidence of nonreporting and underreporting of discipline data among a substantial number of schools (Whisman, 2015). Furthermore, discipline referrals are reported into the WVEIS at the discretion of local school staff. Although the WVBE prescribed a coding scheme with corresponding behavior descriptions in Policy 4373, it is still subject to variation in interpretation and usage among the nearly 700 schools in 55 districts around the state.

Findings

Discipline Referrals

Overall, there were 214,889 DRs entered for all types of inappropriate behavior. The DMS allows for identification of students involved in incidents as *nonoffenders* or *targets*. This feature was included in the system to allow identification of students who were targeted by those engaged in inappropriate behaviors as an aid in the detection of bullying or harassment-type offenses. During 2013–2014 schools entered 4,848 DRs into the WVEIS for which a nonoffending student was identified. These DRs were omitted from this analysis. Additionally, because it is unclear the extent to which Institutional Programs and the WV Schools for the Deaf and the Blind—identified in West Virginia as distinct school districts—use the WVEIS for reporting discipline behavior, we also omitted from our analysis the few DRs entered by these districts. After removing DRs in these categories 209,602 DRs remained for analysis.

This report, however, focuses on discipline referrals specific to harassment, intimidation, or bullying. During the 2013-2014 school year, 3,533 discipline referrals (1.7% of the total) were reported for these specific behaviors statewide, committed by 2,957 students. The vast majority of those students (2,546 or 86%) were reported for a single occurrence, while an additional 411 students (14%) were reported for two or more offenses (Table 1).

Table 1.   Number of Students by Number of Harassment, Intimidation, or Bullying Discipline Referrals, 2013-2014

	Students referred for harassment, intimidation, or bullying	
Number of referrals	Number	Percent
Total	2,957	100.0
1	2,546	86.1
2	302	10.2
3	72	2.4
4	26	<1.0
5 or more	11	<1.0

As noted earlier, the mandate set forth in §18-2C requires the reporting of the reasons, if known, for harassment, intimidation, or bullying behaviors. Of the 3,533 referrals for these behaviors, the reasons indicated for 2,080 (59%) was some "other characteristic," suggesting the reason was something other than the categories described in Policy 4373, or were not definitely known (Table 2). Other frequent reasons were physical appearance (11%), gender (9%), sexual orientation (6%), mental/physical/developmental/sensory disability (5%), or race (4%).

Table 2.   Number of Harassment, Intimidation, or Bullying-Related Discipline Referrals by Reasons for the Behaviors, 2013-2014

Reason for harassment, intimidation, or bullying behaviors	Number of discipline referrals	Percent
Total	3,533	100.0
Academic status	71	2.0
Ancestry	<10	<1.0
Color	56	1.6
Gender	299	8.5
Mental/physical/developmental/sensory disability	171	4.8
National origin	18	<1.0
Physical appearance	386	10.9
Race	135	3.8
Religion	<10	<1.0
Sexual orientation	199	5.6
Socioeconomic status	60	1.7
Other characteristic	2,080	58.9
Not reported	32	<1.0

Note: Referrals as reported during 2013-2014 under the newly developed WVEIS Discipline Management System (DMS).

Although the findings reported in Table 2 provide insight into reasons for the offenders' behaviors, 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, or bullying it seemed likely that students referred for these behaviors might engage in other inappropriate behaviors as well. This conjecture was borne out by cross-tabulating the frequency with which these students were referred for harassment, intimidation, or bullying with referrals for other major categories of behaviors. The analysis showed them most frequently referred for the disruptive/disrespectful conduct (49%) and failure to obey rules/authority (26%) categories (Table 3). They also were reported for attendance-related issues (12%), and for aggressive behaviors (10%).

Table 3.　Discipline Referrals for Other Inappropriate Behaviors Reported in the WVEIS by the Number of Harassment, Intimidation, or Bullying Discipline Referrals, 2013-2014

Number of harassment, intimidation, or 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]	48.9	26.4	10.1	11.5	3.2
1	49.0	25.9	10.0	12.0	3.3
2	49.7	27.3	10.7	9.2	3.2
3	45.4	32.3	10.3	9.6	2.5
4	46.5	27.2	12.7	11.6	2.1
5 or more	53.1	20.9	7.9	17.0	1.1

[1] Overall 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, or bullying behaviors across school program level indicates that about half (47%) were reported at the middle level program (Table 4). At this level, 7th graders ranked highest, accounting for nearly 17% of all harassment, intimidation, or bullying referrals (Figure 1). Students in 6th and 8th grades combined accounted for about 30%.

Students at the adolescent (high school) program level accounted for 29% of all harassment, intimidation, or bullying referrals, with the highest numbers reported for 9th graders. Students at the early learning (elementary) program level accounted for 24% of referrals, with the highest numbers among 5th graders, then trailing off rapidly at lower grades.

Table 4.　Number and Percent of Harassment, Intimidation, or Bullying Discipline Referrals by School Program Level, 2013-2014

Program level	Number of discipline referrals	Percent
Total	3,533	100.0
Early learning program (Grades Pre-K–5)	845	23.9
Middle level program (Grades 6–8)	1,675	47.4
Adolescent education program (Grades 9–12)	1,013	28.7
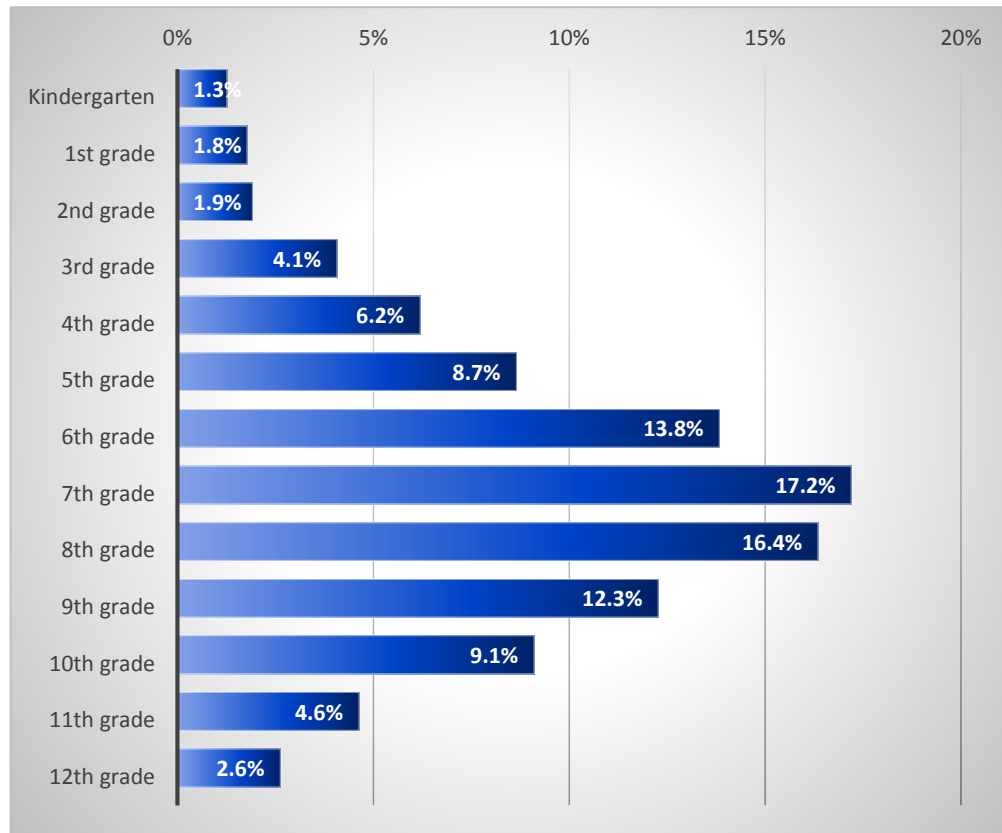
Figure 1. Discipline Referrals for Harassment, Intimidation, or Bullying Behaviors by Grade Level

Descriptive statistics for the frequency, percentage, and rate of harassment, intimidation, or bullying discipline referrals among counties are shown in Table 5. On average there were about 66 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 nearly 500). On average, referrals for harassment, intimidation, or bullying made up 2% of all behaviors reported district-wide, but the range was from less than 1% to nearly 14%. Similarly, on average there were 14.5 harassment, intimidation, or bullying discipline referrals per 1,000 students among counties, but it ranged from about four to 52 per 1,000 (Table 5).

Table 5. Descriptive Statistics of Discipline Referrals for Harassment, Intimidation, or 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
65.5	3.0	498	1.9	<1.0	14.1	14.5	1.8	51.9

Student Demographic Characteristics

Three quarters of students receiving a discipline referral for harassment, intimidation, or bullying behaviors in the 2013-2014 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 6). White students were present at a slightly lower rate than their respective statewide representation (86% 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 6.   Race of Students Reported for Harassment, Intimidation, or Bullying Discipline Referrals, 2013-2014

Race	Students reported for harassment, intimidation, or bullying		Percent of enrollment statewide
	Number	Percent	
All races	2,957	100.0	100.0
White	2,543	86.0	91.1
Black	288	9.7	4.7
Multiple race	77	2.6	2.0
Other race	11	0.4	0.8
Hispanic	38	1.3	1.4

Of the 2,957 students for which harassment, intimidation, or bullying discipline referrals were recorded in the WVEIS, 692 (24%) were at the time of referral identified as eligible for special education services. This rate is disproportionate, given that about 15% of all students in West Virginia were eligible for special education services during 2013-2014. The harassment, intimidation, or bullying discipline referrals for this group of students accounted for 864 (25%) of all such discipline referrals reported into the WVEIS.

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

The findings reported above indicate that students from selected subgroups were referred for harassment, intimidation, or 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 will be 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. We also calculated risk ratios 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 disabilities, 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 2013-2014 school year students of other race category and Hispanic students were at less or no greater risk for discipline referrals for harassment, intimidation, or bullying behaviors compared to White students (Table 7). Black students were 2.0 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, or bullying compared to students with no disabilities (Table 7).

Table 7.   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

Under *Expected Behaviors in Safe and Supportive Schools* (WVBE Policy 4373) and with the newly designed DMS, the number and type of interventions or consequences districts and schools may report 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]. A large majority of the interventions or consequences used by schools, about 66%, were *detentions, in-school suspensions*, or *out-of-school suspensions* (13%, 20%, and 33%, respectively). Additional interventions or consequences used were *administrator/teacher and student conferences* (12%), *warnings* (8%), *parent involvement* (5%) and *loss of privileges* (4%). All others were used very infrequently (Figure 2).
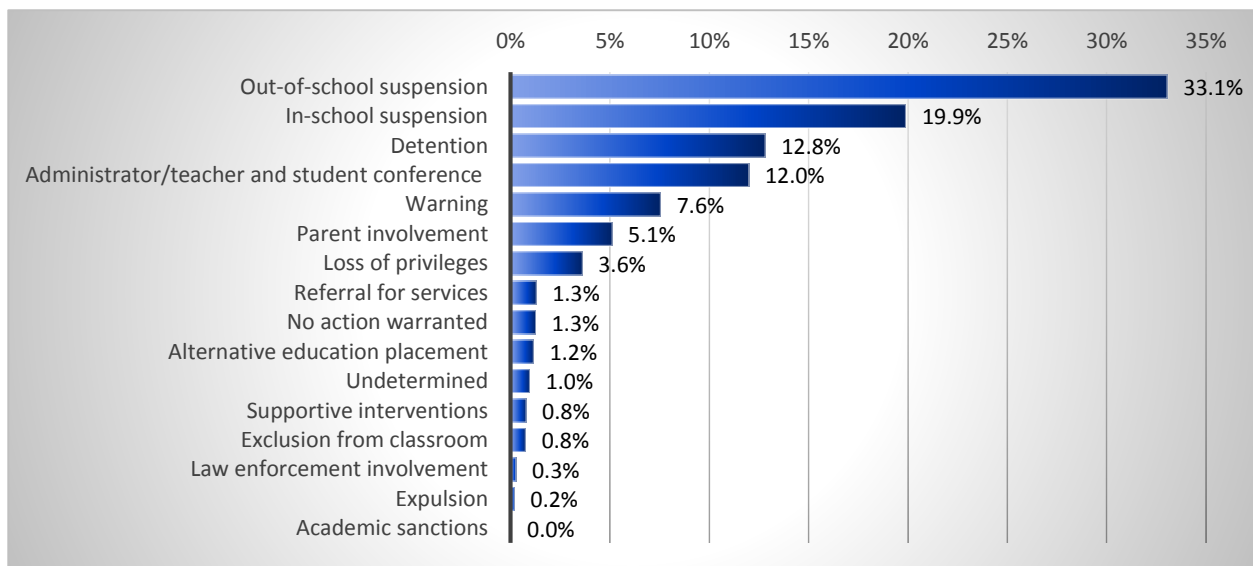

Figure 2.   Interventions and Consequences Used by Schools in Response to Discipline Referrals for Harassment, Intimidation, or Bullying Behaviors

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

Summary of Findings

The 2013–2014 school year was the first full year during which all districts and schools were required to report discipline behaviors via a newly developed discipline management system (DMS). Overall there were 214,889 discipline referrals entered into the WVEIS in the 2013-2014 school year for any type of inappropriate student behaviors. Of them, 209,602 were considered valid reports for purposes of this report. Of the total number of discipline referrals in WVEIS, 3,533 (1.7%) were for harassment, intimidation, or bullying behaviors.

The following are key findings from a descriptive analysis of harassment, intimidation, or bullying student behaviors reported during the 2013-2014 school year:

Analysis of referrals

- *Reasons for referrals.* WV Code §18-2C-3 calls on school districts to report, when known, the reasons for harassment, intimidation, or bullying behaviors. In 2013-2014 the reasons indicated were physical appearance (11%), gender (8%), sexual orientation (6%), mental/physical/developmental/sensory disability (5%), or race (4%). The remaining reasons reported were generically identified as "other characteristic" (58%). All other reasons were reported at lower rates.

- *Referrals by program and grade levels.* Most student discipline referrals reported for harassment, intimidation, or bullying behaviors were at the middle school level (47%) followed by high schools at 29% and elementary schools at 24%. By grade level, 7th graders accounted for 17% of referrals for harassment, intimidation, or bullying, followed by 6th and 8th graders (14% and 16%, respectively), 9th graders (12%), and 5th graders (9%). All other grades were represented at lower rates.

- *Other categories of referrals.* Students referred for harassment, intimidation, or bullying behaviors also were referred for other categories of inappropriate behaviors. In decreasing order, these categories were disruptive/disrespectful conduct (49%), failure to obey rules/authority (26%), tardiness or truancy (12%) and aggressive conduct (10%).

- *Disciplinary actions.* Disciplinary interventions or consequences used by schools in response to harassment, intimidation, or bullying behaviors included out-of-school suspensions (33%), followed by in-school suspensions (20%), detentions (13%), and administrator/teacher and student conferences (12%). All other interventions or consequences were used at lower rates.

Analysis of students referred

- *Number and gender of students.* A total of 2,957 students were referred for disciplinary action for harassment, intimidation, or bullying behaviors, most of whom (86%) were referred for a single offense. Three quarters (75%) of the students referred for these behaviors were male.

- *Race/ethnicity of students.* White students were present at a slightly lower rate than their respective statewide representation (87% vs. 91%), while Black students were present at higher rates than their respective statewide representation (10% vs. 5%). Other races and ethnic groups were present in roughly the same proportions as their representation in the overall student population.

- *Disability status of students.* Nearly a quarter (24%) of the students referred for harassment, intimidation, or bullying behaviors were identified as eligible for special education

services at the time of referral. Students with disabilities, however, represent only 15% of the statewide student population.

- *Risk of being referred by race/ethnicity and disability status.* 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, or 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.

Recent reports on the status of school discipline data collection and reporting for the 2012–2013 and 2013–2014 school years offered several recommendations, all aimed at building the capacity systemically to address inappropriate behaviors in schools across the state (Whisman and Chapman, 2013; Whisman, 2015). There is a growing body of evidence that systemic, school-wide approaches are more effective at preventing harassment, intimidation, or 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, or bullying behaviors using evidence-based interventions integrated into a whole-school approach aimed at improving all behaviors and overall conditions for learning school-wide.*

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)

Figure 3. Components of the Policy 4373 Implementation Framework

The West Virginia Department of Education's *Support for Personalized Learning* (SPL)[2], Positive Behavior Intervention and Supports (PBIS), and other multi-tiered systems of support provide frameworks for relevant academic, social/emotional, and/or behavioral supports to all students. Interventions are provided in the context of a 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 these frameworks, whereby students with one or two major discipline referrals would 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, or bullying behaviors, who also are reported for other inappropriate behaviors—especially other forms of aggressive conduct—likely are exhibiting a need for additional supports. The second recommendation, consistent with one offered by Whisman and Chapman (2013) and Whisman (2015), follows that *districts and schools build staff capacity to provide appropriate behavioral interventions in the context of the multi-tiered framework, and integrate such a framework 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, or bullying incidents. In 2013-2014, more than half of the actions taken by schools for harassment, intimidation, or bullying were out-of-school (33%) or in-school (20%) 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).

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[2] For a compendium of resources related to SPL, see 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 potentially 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, or 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 and multiple-race 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) and Whisman (2015) *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.*

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Appendix A. WV Board of Education Policy 4373 Definitions

Harassment, Intimidation, or Bullying

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:

- 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

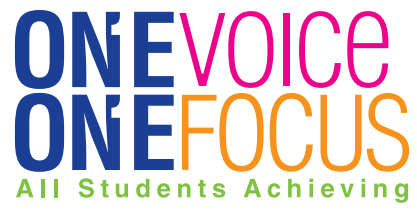- Disrupts or interferes with the orderly operation of the school

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

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

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:

o **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:

  - 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

o **Amorous relationships** between county board employees and students are prohibited

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

  - 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

o **Racial harassment** consists of physical, verbal or written conduct relating to an individual's race when the conduct:

- 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

o **Religious/ethnic harassmen**t consists of physical, verbal or written conduct which is related to an individual's religion or ethnic background when the conduct:

- 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

o **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:

- 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

o **Racial violence** is a physical act of aggression or assault upon another because of, or in a manner reasonably related to, race

o **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.

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