

Safe and Supportive Minnesota Schools

Prevention of School Bullying Task Force Report

“There needs to be more behind the posters than just tape.”

Listening Session Quote

Findings and Recommendations

August 1, 2012

Executive Summary

Governor's Task Force on the Prevention of School Bullying

August 1, 2012

On February 21, 2012, Governor Mark Dayton established a Task Force on the Prevention of School Bullying (Executive Order 12-01). The purpose of the order was to ensure that all students in Minnesota schools are provided with a safe and welcoming environment wherein each student is accepted and valued in order to maximize each student's learning potential. Inherent with this responsibility is the assurance that all students will be equally protected, specifically as it relates to bullying, harassment, and intimidation, while engaging in educational pursuits. Although not explicitly stated in the Executive Order, the Task Force recommendations, specifically the definitions, apply to both students and adults who should be protected from bullying and who deserve an educational environment in which to participate and thrive.

The Task Force, having considered and deliberated the written and public comments from students, parents, and citizens who have been impacted by bullying, harassment, and intimidation, as well as the testimony of professionals in relevant fields throughout the state and nation, advises the Governor of the following recommendations for *immediate* and *urgent* action:

1. The repeal of existing ineffective Minnesota statutes on bullying, harassment, and intimidation and the replacement of such statutes with strong and effective law(s) incorporating the recommendations contained within the Task Force report;
2. The adoption of the operational definitions for the concepts of bullying, harassment, and intimidation as contained within the Task Force report so as to assist students, parents, school personnel, communities, and collaborative agencies in more effectively identifying and responding to the behaviors;
3. The creation of clear and consistent baseline policies to address bullying, harassment, and intimidation within every public and private school. Each child should be equally protected in every school environment, public and private, throughout the state;
4. The creation of policies and practices that enhance communication among and between school personnel, students, parents, and communities related to strategies and techniques employed to reduce bullying, harassment, and intimidation, as well as the effectiveness of those efforts;
5. The creation of a uniform, baseline, data collection system in all schools to assist in the monitoring of incidents and types of bullying, harassment, and intimidation;
6. The creation of interagency and interdepartmental collaborations to assist schools in more effectively identifying, preventing, intervening in, and addressing the ramifications of bullying, harassment, and intimidation.

7. The creation of a School Climate Center within the Minnesota Department of Education which will provide information and technical assistance to school districts on implementing strategies, techniques, and programs that remove social-emotional impediments to learning; improve positive, safe, and supportive whole-school learning environments for students; and increase restorative practices and discipline which focuses on remediation whenever incidents of bullying, harassment, and intimidation occur; and,

8. Fiscal resources commensurate to fulfilling the recommendations of the Task Force be provided at the state and local levels in order to help school districts implement the bullying, harassment, and intimidation recommendations.

The Task Force believes it is urgent to accept and implement these recommendations at the earliest possible opportunity. Children deserve to know they can depend upon adults to care, to provide for their health and safety, to act responsibly and to provide assistance when necessary. These recommendations go far to assist in the reduction and elimination of incidents of bullying, harassment, and intimidation in Minnesota schools.

Walter Roberts, Jr.

Julie Hertzog

Co-chairs

Governor's Task Force on the Prevention of School Bullying

Governor's Task Force on the Prevention of School Bullying

On February 21, 2012, Governor Mark Dayton established a Task Force on the Prevention of School Bullying by Executive Order 12-01. A high priority of the Dayton Administration is to assure that all students in Minnesota have a safe and welcoming environment in their schools, conducive to and supportive of learning. The Task Force was to examine best practices and policies to inform the group's recommendations to the Governor and Legislature. (Executive Order—See Appendix A.)

Membership

Fifteen members were appointed to the Task Force through the open appointments process. Besides the Commissioners of Education and Human Rights, the Task Force includes four legislators—two from the House and two from the Senate—and nine members of the public. In addition, four ex-officio members representing school boards, superintendents, and principals were added. Two co-chairs were selected by the Task Force. The co-chairs were Julie Hertzog and Walter Roberts, Jr. (See Appendix B for the complete list of Task Force members.)

Charge

The Task Force was directed to examine bullying, harassment and intimidation incidents and policies in Minnesota schools and to:

1. Study best practices and policies from available literature and experts;
2. Analyze existing statutes and policies, resources, reported levels of bullying, and consequences of bullying, harassment and intimidation;
3. Solicit and obtain input from the public, experts, professionals, and victims of bullying, harassment and intimidation;
4. Clearly define bullying, harassment and intimidation;
5. Provide recommendations for policy initiatives to the Governor and the Legislature based upon its findings.

The Task Force was directed to complete its work by August 1, 2012 (Executive Order).

Process

At its first meeting, the Task Force did a SWOT (Strengths, Weaknesses, Opportunities and Threats) analysis and developed a list of experts they wanted to hear from, items for further study, and areas of concern to be explored in subsequent meetings.

The first order of business was to look at current Minnesota statutes related to bullying and harassment. This was followed by a review of model policies developed by the Minnesota School Boards Association and the Department of Education. Policies, practices, materials, and

research articles from districts, professional organizations and other entities were considered. In addition, communications, studies and reports from federal sources such as the United States Secret Service, the courts and the United States Government Accountability Office were reviewed. The committee also had discussions with practitioners and experts who presented as part of a panel on a variety of areas from best practices and prevention to data protection and enforcement options. The elements of mental health, community involvement, out-of-school activities and parental support and responsibility were part of the discussions.

One of the first issues tackled by the Task Force was how to define bullying, harassment and intimidation. It soon became apparent that the common understandings of these terms are confusing, lack clear distinctions to the general public, and are not well understood by school personnel.

Although the courts have more consistently and clearly made decisions in the area of harassment, in particular sexual harassment, there is less clarity around the term bullying. This lack of clarity is also evident at the federal level as it relates to federal legislation. However, the federal Office of Civil Rights (OCR) is increasingly taking corrective action against school districts in this area and has issued a “Dear Colleague” letter to provide guidance to schools.

Many different definitions for bullying and harassment were analyzed, including those enacted into law in other states, as well as definitions used by experts and professional organizations.

Expert Panels

Several expert panels presented to the committee on a variety of issues from best practices, intervention and support, to federal initiatives and data privacy issues. Below is a list of experts who presented to the committee:

- **Dr. Bridget Biggs:** Mayo Clinic Department of Psychiatry and Psychology-Evidenced-Based Approaches to Bullying Intervention.
- **Phyllis Brashler:** Minnesota Department of Health, Suicide Prevention and Mental Health Coordinator—Suicide Issue Brief.
- **Don Gemberling:** Data practices considerations/Data collection.
- **Dr. Stuart Green:** Director, New Jersey Coalition for Bullying Awareness and Prevention.
- **Marikay Canaga Litzau:** Minnesota Department of Education Compliance Specialist in Due Process and Student Discipline - Dear Colleague Letter; Office of Civil Rights Investigations/Settlements in Minnesota.
- **Marion London M. Ed.:** Independent Education and Training Consultant. Certified trainer for the Olweus Bully Prevention program. Co-author of several prevention/social skill curricula.
- **Cathy Miller:** Minnesota School Boards Association Director of Legal and Policy Services—School District Policies.

- **Dr. Char Myklebust:** Director of Professional Learning, Intermediate School District 287; Adolescent Development, Bullying and Prevention.
- **Jamie Nabozny:** Plaintiff in a successful lawsuit against a school district relating to harassment.
- **Justin Patchin, Ph.D.:** Co-director, Cyberbullying Research Center; Associate Professor of Criminal Justice, Department of Political Science, University of Wisconsin-Eau Claire.
- **Nancy Riestenberg:** Minnesota Department of Education School Climate Specialist—Student Surveys and Feedback.
- **Wade Setter:** Superintendent of the Minnesota Bureau of Criminal Apprehension; Former Director of the Minnesota School Safety Center.
- **Dan Solomon:** Field Representative to Senator Al Franken; Proposed Federal Legislation.
- **Brian Stoll:** Probation Officer from Wright County—Wright County Safe Schools Program.
- **Julie Young-Burns:** Minneapolis Public Schools-Student Support Services. Integrating bullying prevention and intervention into a Whole School, Whole District Program.

Public Testimony

The Task Force held seven public meetings, seven listening sessions to take public input, and several subcommittee meetings to create the final report. Fifteen experts in bullying and cyberbullying research, prevention, law and public policy presented to the Task Force.

Opportunity for public testimony was provided at the end of each meeting. Several individuals, organizations, practitioners, victims and interested parties took this opportunity to share their thoughts and ideas with the committee. Written comments were also shared with the committee.

Listening Sessions

To gather views and feedback from students, educators, parents and community members, Task Force members convened listening sessions at seven different locations across the state. Hundreds of Minnesotans attended the listening session and shared their experiences, suggestions, and reactions to the issue of bullying and school climate. The sessions were held using the circle process in order to provide an opportunity for everyone to be heard. At each session, an overview of the Task Force and its task was given along with a request for input to the Task Force.

The participants responded to age-appropriate questions.

Sample Questions:

- *What's working? What are your schools doing that helps address bullying effectively?*

- *What are the issues that are of most concern to you when it comes to school safety, bullying and harassment issues in schools?*
- *What can you do or what do you do to make a safer school? How can other students be helpful in preventing bullying?*
- *We know that not everyone reports when they are being bullied to adults in school or at home. What can adults do to make it more likely for youth, who are either being bullied or who see the bullying, to report it?*
- *If there were one piece of advice you would give to Task Force members about what can be done to create safe schools—schools where every student feels they belong, feels they are valued, and feels physically and emotionally safe so that they can focus on learning—what would it be?*

Listening sessions were held in Bemidji, Rochester, St. Cloud, Mankato, Duluth and two Twin Cities metro locations. In Bemidji, Rochester, St. Cloud, and the Twin Cities metro area, two separate listening sessions were held—one for students and one for adults. (See Appendix C for Listening Session Themes.)

Documents and Research

The Task Force reviewed a wide range of documents and research, including:

1. United States Department of Education “*Dear Colleague*” Letter (October 2010).
2. Government Accountability Office Bullying Report (May 2012).
3. Bullying definitions from other states.
4. Minnesota Student Survey Bullying Report (2011).
5. Summary of U.S. Department of Education and Office Civil Rights and Department of Justice settlements with Minnesota.
6. Model Bullying, Harassment and Violence Prevention Policies (MSBA, MDE and others).
7. Listening to Youth Voices - American Indian and Lesbian Gay Bisexual Transgender Youth Listening Sessions, held 2010 and 2011.

Documents from the Task Force meetings can be found on the MDE website at:

<http://education.state.mn.us/MDE/Welcome/AdvBCT/PrevSchBully/index.html>.

Introduction

The issues around bullying are varied, complex and contextual. The Task Force heard numerous accounts of bullying behaviors directed at students from vulnerable groups such as students with disabilities and racial, ethnic, sexual and religious minorities:

“There’s gossip, swearing, using ‘retarded’ and ‘gay’ as synonyms for stupid.”

“My daughter has learning and physical disabilities and was bullied. I couldn’t find help anywhere.”

“Native American people, folks in poverty, LGBT are all targeted. It’s more than in schools, it’s throughout the community.”

Testimony also emphasized that students beyond these groups are targeted:

“My child was harassed because she was a good student.”

“We were new to the neighborhood and so we were considered outsiders. Our children were shunned and picked on.”

“It was the way I dressed...I was ridiculed.”

In all cases these behaviors have far-reaching and devastating effects on the whole school community.

The paramount issue for the Task Force in developing these recommendations was to ensure that each and every child in Minnesota’s schools has a safe and nurturing school environment conducive to assure academic success and healthy social and emotional development.

As requested in Governor Mark Dayton’s Executive Order, the Task Force developed definitions for bullying, harassment and intimidation and a set of recommendations for the governor and the legislature to consider. The definitions and recommendations comprise the remainder of this report.

It is the hope of the Task Force that the report is considered to have application in settings beyond K-12 environments.

Definitions

Minnesota currently has no explicit statutory definition of bullying. The Task Force looked at definitions from several sources including Minnesota and other state statutes and policies, and professional literature.

A glossary for the terms used in the definitions can be found in Appendix D.

Mindful of Minnesota Statutes, section 645.08, the Task Force offers the following definitions of bullying, harassment and intimidation to Governor Mark Dayton and the Minnesota Legislature for their consideration. [See foot note 1 below]

Bullying

(a) "Bullying" means the use of words, images, or actions, in one or a series of incidents, either through direct or indirect interactions between individuals or through technology, that a reasonable person would or should know, under the circumstances, will have the effect of interfering with the ability of one or more individuals, including students who observe the conduct, to participate in a safe and supportive environment. Examples of bullying may include, but are not necessarily limited to, conduct that:

I. Places one or more individual(s) in reasonable fear of harm to person or property, including through intimidation;

II. Has a detrimental effect on the physical, social, or emotional health of one or more student(s);

III. Interferes with student(s) educational performance and/or ability to participate in educational opportunities;

IV. Encourages the deliberate exclusion of one or more students from the services, activities, or privileges provided by the school;

V. Creates or promotes an ongoing perceived imbalance of power between students;

VI. Violates the reasonable expectation of privacy of one or more individual(s); or,

VII. Relates to the actual or perceived race, color, creed, religion, national origin, sex, age, marital status, familial status, socio-economic status, physical appearance, sexual orientation, gender identity or expression, or disability, of that person or of a person with whom that person associates, but which would not rise to the level of harassment.

(b) "Bullying" includes, but is not limited to, conduct directed by an individual toward one or more individuals in a school or on school district premises; in a vehicle owned or leased by a school or school district; at any school- or school district-sanctioned or sponsored activity or event; in electronic forums in which at least one of the parties participates in school-related activities; or in physical or electronic forums not directly related to a school or school district but where the conduct nevertheless interferes with an individual's participation in a safe and supportive educational environment.

Harassment

Harassment is intimidating or abusive behavior toward an individual(s), based on actual or perceived race, color, creed, religion, national origin, sex, age, marital status, familial status, socio-economic status, physical appearance, sexual orientation, gender identity or expression, or disability, that creates a hostile environment by interfering with or denying a student's or an individual's participation in or receipt of benefits, services, or opportunities in the school district's programs.

Harassing conduct may take many forms, including verbal acts and name-calling, as well as nonverbal behavior, such as graphic and written statements, or conduct that is physically threatening, harmful, or humiliating.

It is unwelcome if the student or employee did not request or invite it and considered the conduct to be undesirable or offensive.

Intimidation

Intimidation is one method used to bully or harass one or more individuals.

Footnote:

[1] Minnesota Statutes, section 645.08 Canons of Construction

In construing the statutes of this state, the following canons of interpretation are to govern, unless their observance would involve a construction inconsistent with the manifest intent of the legislature, or repugnant to the context of the statute:

(1) words and phrases are construed according to rules of grammar and according to their common and approved usage; but technical words and phrases and such others as have acquired a special meaning, or are defined in this chapter, are construed according to such special meaning or their definition;

(2) the singular includes the plural; and the plural, the singular; words of one gender include the other genders; words used in the past or present tense include the future;

(3) general words are construed to be restricted in their meaning by preceding particular words;

(4) words in a law conferring a joint authority upon three or more public officers or other persons are construed to confer authority upon a majority of such officers or persons; and,

(5) a majority of the qualified members of any board or commission constitutes a quorum.

II. Supportive Schools: Encourage prevention education for all students, staff, family and community

Students, parents, and communities have a right to expect that children are safe and treated fairly in Minnesota schools. An essential foundation to student learning and academic success is a comprehensive focus on the school environment that addresses the physical health, mental health, social-emotional well-being, and the safety of all students.

A central component of school bullying prevention is creating a school climate where students are welcomed, supported, and feel safe. School climate and social-emotional learning curricular strategies promote learning as well as school safety. A substantial body of research documents that when social-emotional learning is incorporated into the curriculum, students show higher levels of pro-social behavior, more favorable attitudes toward school and others, and better academic achievement. They also experience lower levels of conduct problems and emotional distress (Durlak, et al, 2011).

Therefore, the Task Force recommends that districts implement sustained whole-school climate efforts as the best way to prevent bullying behavior. This will promote the skills, attitudes, behaviors for caring, connected, and safe learning environments while also addressing some of the underlying contributing social, emotional and environmental factors that can lead to bullying. Such programming would:

- Focus on positive behavior expectations.
- Maintain open communication and supportive relationships, including between students and educators, families and school staff.
- Promote respect for others, inclusivity and appreciation of differences.
- Teach social emotional skills including: self and social awareness, empathy, communication, assertiveness, healthy relationships and teamwork, positive problem-solving and conflict resolution, and responsible decision-making.
- Inform students and adults about the dynamics of bullying, promote skills to recognize and respond every time it occurs, and advocate healthy norms for peer interactions.

At Student Listening Sessions throughout Minnesota, young people expressed significant concerns about bullying and harassment. However, many were also eager to share what they had learned regarding positive school climates, conflict resolution, support for both bullying targets and aggressors, and concerns for students with family stresses that often lead to problematic school behaviors.

Student Support and Prevention Education

Districts shall:

1. Provide age-appropriate PreK-12 classroom lessons/learning opportunities and curricula designed to educate students on the methods of identifying, preventing and reducing bullying, harassment and intimidation and the value of diversity in schools and society, and to educate students on the following:
 - a. Knowledge and skills for respecting human differences, inclusiveness and empathy;
 - b. Problem solving and conflict management/resolution;
 - c. Multicultural/anti-bias education and civil discourse;
 - d. How to recognize and respond to bullying/harassment, including procedures for reporting to adults;
 - e. Media literacy and Internet safety.
2. Employ evidence-based social-emotional learning and positive school climate strategies including curricula, programs and strategies to help prevent and reduce discrimination and harassment, bullying, and intimidation.
3. Use comprehensive approaches with components addressing prevention and intervention at the school, classroom, and individual levels, as well as with the community, families and parents. Effective prevention programs include long-term attention to positive school climate, curriculum, and supervision, with involvement from all staff, students, parents and community.
4. Involve parents and community as partners in development and implementation of all bullying prevention and intervention programming. Encourage family and home involvement and provide home/school communication around prevention and intervention efforts.
5. Develop programs and policies that involve all students and all adults in each school. All adults in each building must be responsible for creating a climate where education, intervention, and follow-up are standard practice.
6. Put into place, at all grade levels, age-appropriate programs and practices that affirmatively engage students in the work of creating respectful, safe school environments throughout their years in the districts' schools.
7. Train student bystanders to intervene safely and to report bullying behaviors to adults.
8. Teach students the skills of self-advocacy and how to advocate for others.
9. Support student collaborations that promote a healthy school climate, including but not limited to, Gay-Straight Alliances (GSAs), cultural support groups, multi-racial organizations, faith organizations and service learning.

Adult Training and Development

Trained, responsible and involved adults are essential for student supervision, effective school safety and improved school climate. The adults (not just teachers) in each building must be responsible for creating a climate where education, intervention and follow-up are standard practice.

1. All school staff and adults in PreK-12 schools—inclusive of paraprofessionals and volunteers (e.g., playground monitors, bus drivers, lunchroom staff, and/or custodial staff)—need training on an annual basis in relevant and current strategies and techniques to address bullying, harassment and intimidation.
2. Establish and require staff development for school staff including administrators, teachers, coaches, paraprofessionals, bus drivers, custodians, cooks and playground supervisors, as well as service providers and contract employees. Staff development should be developmentally appropriate and include:
 - a. A thorough explanation of the district's bullying policy including the process of specific protocols/procedures/contact person(s) for reporting;
 - b. How to recognize, respond to and intervene in bullying, harassment and intimidation situations;
 - c. Implementation strategies for its prevention;
 - d. Promoting pro-social behaviors and relationships, including the restorative and reparative practices;
 - e. Compliance with current Minnesota anti-bullying law, the Minnesota Human Rights Act, and districts' reporting protocols;
 - f. Identifying and addressing staff-to-student bullying.
3. Provide trained school counselors, social workers, psychologists or other mental health trained staff to support students and school administrators in full implementation and compliance with Minnesota's current bullying and harassment laws, including supporting, training and other efforts to prevent bullying and harassment; to assess, support, and refer students with mental health needs; and to promote pro-social behaviors and relationships, including restorative practices.

III. Student, Family and Community Engagement and Collaboration

Families provide an important foundation for relationship development, positive interactions, empathy, and learning. Each child's social-emotional development that begins during the early years can continue in a constructive way throughout the school years through learning new skills and competencies and in healthy peer relationships. Parents may need guidance in understanding their children's behaviors and in identifying strategies and limits for the use of the Internet and media. Effective bullying prevention is impossible without parent involvement. Parents know their children best and can contribute a wealth of cultural perspectives and strengths. Parent and community engagement can lead to much needed cultural shifts toward respect, cooperation, and peaceful solutions.

For school personnel to prevent and address bullying, harassment and intimidation, parents, students, and community members must be partners in addressing incidents indicative of such behaviors among their children.

Strategies and techniques must be developed within school districts to encourage parents and guardians to assist school personnel in addressing bullying behaviors and solving bullying incidents, particularly among those students who are identified as responsible for creating such incidents. Likewise, collaboration, coordination of efforts, and services among schools, government units, and public and private community organizations will assist schools in preventing and addressing these problems.

Effective strategies will promote values, attitudes, and behaviors that acknowledge the cultural diversity of students; optimize relevance to students from multiple cultures in the school community; understand the nature of human sexuality; strengthen students' skills necessary to engage in healthy interactions; and build on the varied cultural resources of families and communities.

Encourage districts to:

1. Include students in program and policy development and school leadership for bullying prevention and intervention efforts, including social-emotional learning, conflict resolution, and school climate.
2. Engage parents and community organizations as partners by actively enlisting community leaders, businesses, service providers, faith congregations, non-profit organizations, community-based advocacy groups, governments, schools, and others to build awareness, align messages, and work together toward solutions. Methods to engage parents and community organizations as partners may include:
 - a. Sharing stories about what bullying/harassment is and its negative impact;
 - b. Identifying the prevalence and toll of bullying and harassment in each community;

- c. Creating relevant rationale and strategies for changing peer and community norms to end bullying, harassment and intimidation;
 - d. Developing culturally relevant and culturally inclusive community prevention and intervention strategies;
 - e. Generating community-wide media campaigns, public service announcements and/or public art;
 - f. Create school-community partnerships, such as playground volunteers, speaking to classes and mentorship programs.
3. Encourage parent and family school involvement and provide home communications about prevention efforts, including information that defines behavior expectations, prohibited conduct, reporting procedures, and students' rights and protections. Communications should also promote skills to resist and reject prejudice, take stands against bullying, and report bullying if it occurs.
4. Enlist parents and guardians to reinforce the policies of schools and school districts. Invite parents and guardians to participate in restorative conferences to repair harm when their child had been affected by severe harm.
5. Collaborate with existing programs such as Early Childhood Family Education, parent-teacher organizations, and community-based organizations to assist parents and school staff with:
 - a. Understanding normal child development.
 - b. Healthy parent-child/teen communication.
 - c. Utilizing positive reinforcement behavior management strategies.
 - d. Behavioral expectations.
 - e. Media and Internet guidance, limits, and supervision.
 - f. Promoting resilience and reducing risk in their children.
6. Encourage family/home engagement and provide home communication around prevention efforts. Include language that defines student protection against adults' bullying/harassment behaviors in schools and school-sanctioned activities.
7. Invite social media outlets, such as Facebook, to work with the Minnesota Departments of Education and Human Rights to address the issue of electronic bullying, harassment and intimidation.

IV. Formative Interventions and Discipline

The goals of responding to bullying behavior are to stop the aggressive behavior, support the students who have been harmed, and teach that bullying is harmful and not allowed, in order to help all involved young people learn—and change—from the experience.

The best way to prevent bullying behaviors is through the implementation of a whole school climate program. Because bullying is a relationship problem that requires relationship solutions (Pepler & Craig, 2006), responses to bullying should promote healthy relationships.

Formative discipline is defined as activities that not only provide a clear message that bullying is unacceptable, but also develops respect and empathy for others, helps students make amends and associates power with kindness and pro-social activities (PREVNet, 2011).

When the school climate is founded on restorative principles rather than solely punitive policies, misbehavior is understood as a violation of relationships, not rules; thus repair of relationships and support (rather than isolation through suspension or expulsion) of the wrongdoer is likely to reduce bullying (Smith, 2008).

Therefore, the Task Force recommends districts include formative discipline and restorative practices in addition to using graduated sanctions in their discipline policy. Bullying prevention research indicates that effective interventions are ones that:

- “Are evidence-based, age and gender appropriate, and led by adults;
- Include involved children, peers, parents, teachers, and community;
- Are based on the assessment of the problem and those involved;
- Build relationship skills while also reducing negative behavior;
- Have specific outcomes and formalized evaluation procedures;
- Involve constant monitoring and support to sustain their effectiveness.” (PREVNet, 2011).

(See Appendix F for a description of restorative interventions, formative discipline, peer mediation and discussion regarding the differences between conflict mediation and restorative practices.)

Despite their widespread use, research regarding zero tolerance policies indicates that they do not increase student safety or reduce bullying, can have a negative effect on academic achievement, and can be disproportionately applied to special education students, students of color and gay, lesbian, bisexual and transgender students. Such policies are not recommended by the Task Force (Disproportionate Minority Representation in Suspensions and Expulsions, MDE 2010, Biegel and Kuehl, 2010).

In addition to being aware of and taking steps to correct possible discriminatory disciplinary practices, districts should avoid inappropriate referral of students to special education, which

can have a particularly negative impact on marginalized and disenfranchised groups, such as students of color and gay, lesbian, bisexual and transgender students (Biegel and Kuehl, 2010).

Policy and Implementation

The Task Force recommends that a baseline bullying prevention policy be enacted for all districts, so that students and parents can expect consistency in policy and implementation within each school district throughout the state. The policy should include:

1. Reporting procedures such as:
 - a. Provisions for educators and school personnel to address and report a bullying situation that they witness;
 - b. Provisions for educators and school personnel to address and report a bullying situation that they have not witnessed, but of which they have knowledge;
 - c. Provisions to provide additional services for those students who have been subjected to ongoing bullying behaviors;
 - d. Provisions to provide additional services for those students who have demonstrated ongoing bullying behaviors;
 - e. Provisions for staff training on how to address bullying behaviors and to report them.
2. Consequences for bullying behaviors may include formative discipline, restorative practices, counseling, and class transfer. Consequences may also include, but not be limited to, warning, suspension, exclusion, expulsion, school or district transfers, remediation, termination, or discharge. In addition, upon review of an incident or incidents of bullying, the response may include peer group, school-wide or district-wide training for students and/or staff.
3. Communication with parents/guardians and students may include:
 - a. A communication plan built into a restorative process which would address sharing of information related to the bullying behavior and the accountability steps agreed to by all participants.
 - b. If a restorative process is not used, districts should provide support and follow up with the student who has been bullied including advising the student of steps taken to ensure his/her safety, in accordance with the Family Educational Rights and Privacy Act (FERPA), and Chapter 13 of Minnesota Statutes, known as the "Minnesota Government Data Practices Act."
4. Provide consistent follow-up and remediation efforts to the student who has been bullied and the student who initiates incidents of bullying, harassment and intimidation. Such actions should include:
 - a. A remediation plan for the student who does the bullying , including continued observation, as necessary;

- b. Check-in with the student who was bullied (and if needed, the parents/guardians) a few weeks (or as needed) after the intervention to assess if the intervention resulted in an improved learning environment for the student;
 - c. Evaluation of the intervention to assess if the actions taken help restore the learning environment for all students, using both qualitative (surveys, questionnaires) and quantitative (behavior referrals) data.
 5. Districts should inform students, parents and guardians of district policies, procedures and activities related to bullying, harassment, and intimidation. This should include:
 - a. Explaining and discussing district Bullying Prevention Policy, and Harassment and Violence Prohibition Policy with students annually;
 - b. Training staff on the district Bullying Prevention Policy and Harassment and Violence Prohibition Policy annually;
 - c. Communicating with parents and guardians about these policies with suggestions on how to reinforce and support the spirit of the policies at home;
 - d. Annually distributing all policies and reporting procedures to students and their families, which would include contact information for reporting bullying, harassment and intimidation to the district's designated official, and making those policies and contact information clearly accessible on the district's website.
 6. Each school building shall have a trained, designated official to whom all school building incidents of bullying, harassment and intimidation, are reported. The designated official will be responsible for:
 - a. Recording and tracking reports of incidents of bullying, harassment and intimidation;
 - b. Ensuring that the appropriate staff responded to the incident and;
 - i.. investigated the incident;
 - ii. took steps, per the district policy, to address the needs of the student who was bullied and the student who did the bullying;
 - iii. communicated, as appropriate, to students, staff, and parents/guardians;
 - c. Summarizing the incident, the steps taken to address the incident and the evaluation of the effectiveness of the intervention, which would include checking in with the student who was bullied and forwarding the summary to the superintendent or their designee.
 7. Each school district shall have a designated official who will effectively address all reports of bullying, harassment and intimidation in compliance with the district's policy and state and federal laws.

8. Each school district shall annually conduct a review of the Bullying Prevention policy and Harassment and Violence Prohibition policy and, if applicable, said review should be done in conjunction with the district's annual improvement plan, making any necessary revisions and additions to the continuous improvement plan to improve school climate. The review should include both qualitative and quantitative data on bullying, harassment and intimidation, and climate.

V. State Agency Support to School Districts

State agency leadership is critical in supporting students, their families and the efforts of schools and communities in implementing effective programs and activities to prevent bullying. This can be accomplished in several ways.

1. Establish a permanent Minnesota multi-agency council (Departments of Education, Human Rights, Health, Human Services, Public Safety/Homeland Security, and Higher Education) to provide leadership and partnership for a comprehensive, coordinated, data-driven process to advance safe and healthy school communities, prevent and respond to bullying, harassment and intimidation, provide appropriate staff training and awareness to improve school climate to ensure success for all students in Minnesota PreK-12 schools and higher education systems. The Council should be tasked with:
 - a. Establishing multi-system norms and standards for prevention, intervention and support;
 - b. Advancing evidence-based and promising policy and best practices options;
 - c. Coordinating inter-agency action, decision-making, planning, monitoring implementation, acquiring and leveraging resources, etc.
 - d. Developing and maintaining a student and parent call-in helpline or a help center with ready access to support such as mental health services, counseling support, etc.
2. Establish a School Climate Center (see Appendix G) at the Minnesota Department of Education (MDE) to support schools and school districts in provision of safe and supportive learning environments for all Minnesota's K-12 students. The Center would operate within the All Hazards planning framework (<https://dps.mn.gov/divisions/hsem/all-hazards-planning/Pages/default.aspx>) by focusing on prevention, intervention, response and recovery. The Center would be responsible for assisting the multi-agency council and work collaboratively with other state agencies (Human Rights, Health, Human Services, Public Safety/Homeland Security and Higher Education) and with schools, community organizations and public entities to best utilize available resources on behalf of Minnesota's K-12 students.
3. The Legislature, in consultation with the Minnesota Department of Education, should review the social and emotional learning standards that have been developed by the state of Illinois and the Anchorage, Alaska, school system and consider how they could be incorporated into the current Minnesota K-12 Academic Standards. (See http://www.isbe.net/ils/social_emotional/standards.htm and http://www.asdk12.org/depts/SEL/media/SEL_Standards.pdf.)
4. In order to ensure equity of protection for all students in all Minnesota schools, the Minnesota Department of Education, the Minnesota Department of Human Rights, and related relevant state agencies shall develop a baseline/minimum policy to respond to bullying, harassment, and intimidation. The Commissioner of Education and the Commissioner of Human Rights shall analyze existing statutes and policies using the U.S. Department of Education guides, Anti-Bullying

Policies: Examples of Provisions of State Laws, and Analysis of State Bullying Laws and Policies. In doing so, they should compare the components of policies and statutes that have been enacted in other states to develop and revise Minnesota's anti-bullying statutes and policies.

(See <http://www.stopbullying.gov/laws/index.html>

and <http://www2.ed.gov/rschstat/eval/bullying/state-bullying-laws/state-bullying-laws.pdf>.)

Statutory and policy reform should focus on, among other provisions, the following:

- a. For consistency and to clearly express its condemnation of such violations, "sexual orientation" and "gender identity or expression," as defined in this report, should be added to Minnesota Statutes, section 127A.42, Subdivision 2(6).
 - b. The Commissioner of Education should begin, at the earliest opportunity, the process of amending Minnesota Rule 3535.2300 to include "sexual orientation" and "gender identity or expression," as defined in this report.
 - c. The definition of "discriminate" found in the Minnesota Human Rights Act should be clarified to read: "The term 'discriminate' includes to segregate or separate, to create or condone a hostile environment, and, for purposes of discrimination on the basis of sex, includes sexual harassment."
 - d. The commissioner of education shall take effective, regular steps to advise Minnesota school districts and administrators of their obligations under the Equal Access Act.
5. Included in the model baseline policy should be the following actions:
- a. For those students who currently have an Individualized Education Program (IEP) or a Section 504 plan, future IEPs and Section 504 Plans for students who experience, instigate or witness bullying should be written, as appropriate, to address the skills and proficiencies that the student needs to avoid and respond to bullying and include accommodations, goals, objectives, and proactive measures to address the bullying issue.
 - b. Develop a statewide student and parent/guardian helpline.
6. MDE shall assist districts in developing information on strategies and techniques to encourage family/home engagement and provide home communication around prevention efforts. Such information will include language that defines student protection against adult (inclusive of all school staff, volunteers and contract service providers) bullying, harassment and intimidation behaviors in schools and school-sanctioned activities.

Teacher education programs have a similar responsibility to prepare future K-12 licensed professionals to address the issue.

1. Require higher education institutions with teacher and administrator preparation programs to train all prospective teachers and administrators in the methods of

identifying, correcting and preventing bullying harassment and intimidation behaviors including compliance with Minnesota anti-bullying law, Minnesota Human Rights Act and reporting protocols.

2. Require the Board of Teaching (BOT) and the Board of School Administrators (BOSA) to incorporate in licensure and re-licensure requirements training for best practices in identifying and correcting bullying, harassment and intimidation behaviors, developmentally appropriate best practices for prevention and effective, pro-social, respectful, protective responses when bullying or harassment occurs.
3. The Minnesota Department of Education, in collaboration with institutions of higher education, the Board of Teaching and the Board of School Administrators will develop protocols for accountability for educator training and licensure programs.

VI. Accountability and Data

To ensure positive learning environments for their academic, social, emotional success, all Minnesota students need schools that protect them from bullying, harassment and intimidation. The Task Force recommends effective data collection and utilization. State and local financial investment in these goals is essential, particularly as many districts face fiscal hardships.

Monitoring: Methods of monitoring progress in efforts to reduce bullying behaviors within school districts are essential. Data must be collected on an annual basis documenting the frequency of bullying incidents by specified standard categories as established by the Minnesota Department of Education, Minnesota Department of Human Rights and/or the strengthened Minnesota anti-bullying statute. School districts must report annually to the Minnesota Department of Education their efforts to reduce bullying behaviors within their schools and report progress in their school improvement plans. Educator training and licensure programs must comply with state policy about bullying, harassment and intimidation in Minnesota schools. All licensed teachers must be adequately trained with the necessary skills to satisfy bullying, harassment and intimidation requirements.

1. The Department of Education will develop a uniform, baseline data collection system by which districts report aggregated data at the end of each school year regarding bullying, harassment and intimidation reports, consequences and other outcomes, and proactive measures taken to address bullying, harassment and intimidation.
2. The Department of Education will record and annually report incidents of bullying by school district and school building. Each school district shall annually submit a report detailing incidents by district and school building. The report shall be available to the public and provide a breakdown of incidents in which a protected class was involved, with delineation on each of the protected classes.
3. The Department of Education shall add additional relevant questions to the Minnesota Student Survey (MSS) specifically related to factors impacting school climate, including experiences with bullying, harassment and intimidation, and guide Minnesota districts in utilization of MSS and other relevant data to inform bullying prevention and intervention efforts.
4. The Department of Education will develop protocols for accountability, including the use of school improvement plans, for Minnesota school districts to assure appropriate training in prevention and intervention with bullying, harassment and intimidation and compliance with Minnesota law.

VII. Funding for Effective Implementation

Many aspects of creating safe and bully-free school environments cost nothing. Positive role modeling of pro-social behaviors among adults is one such example. Other components of bullying prevention have fiscal requirements. School districts need appropriate funding at the state and local levels to assist them in addressing staff training and staffing needs to maintain bully-free environments.

1. The Legislature shall determine permanent and ongoing funding mechanisms to support prevention efforts.
2. Funding should be provided for trained, licensed school-based student service personnel and mental health professionals skilled in assessing and supporting students with mental health needs to support students and school administrators. Provide funding for staff development and training in bullying prevention, interventions, and reporting for all school staff members and volunteers.

CONCLUSION

Every student deserves to attend a school that is safe and caring. While conflict and harm cannot be completely eliminated from a student's life experiences, adults can provide education to help prevent harm and work to be able to see and intervene earlier. We can provide students with skills for addressing bullying, so that they can also be active participants in creating and maintaining a productive learning environment for all. Adults must use their power to teach, to guide and to support all students to enable them to learn from mistakes and life experiences.

The Task Force found great interest and enthusiasm in Minnesota for supporting all students' academic, social, and emotional success. Teachers, administrators, students, parents, and community members are eager to work together in the broad community toward schools where bullying becomes rare. Much bullying prevention has already been accomplished in local districts, schools, and communities across the state and many are proud of and eager to share their successes. There is much potential for school, family, and community collaboration, and great anticipation of a strong and effective anti-bullying statute, as well as the practices which will make such policies reality.

A Sense of Urgency

The Task Force has specifically chosen to emphasize its collective sense of urgency to the Governor, the Legislature, and other stakeholders to begin the processes necessary to enact the recommendations contained within the report. Our sense of urgency directly reflects what the public has told us throughout this process. The reality is that many students are in crisis right now and efforts to effect positive change have already taken too long. It is the belief of the Task Force that Minnesota's current laws do not meet the need to effectively respond to the problems associated with bullying, harassment, and intimidation. Swift enactment of these recommendations will enhance the learning environment and increase the safety and security of all students.

Acknowledgements

The Task Force is grateful to the hundreds of Minnesotans who shared their stories, experiences, and expertise. We were moved and inspired.

The Task Force wishes to thank Governor Mark Dayton for the opportunity to address this important issue and to serve the state of Minnesota.

Appendix A: Executive Order

STATE OF MINNESOTA

EXECUTIVE DEPARTMENT



MARK DAYTON
GOVERNOR

Executive Order 12-01

Establishing the Governor's Task Force on the Prevention of School Bullying; Rescinding Executive Order 11-33

I, Mark Dayton, Governor of the State of Minnesota, by virtue of the authority vested in me by the Constitution and applicable statutes, do hereby issue this Executive Order:

Whereas, Minnesotans place a high value on education, recognizing that our children are key to future success, economic vitality, social harmony, and quality of life in our State; and

Whereas, children depend upon adults, upon their attitudes and actions, and upon the laws of the State to protect them; and

Whereas, it is a high priority of this administration to ensure that every Minnesota school provides a safe and welcoming environment, where every child is accepted and valued as he or she is, so that each can thrive and learn; and

Whereas, the State has a strong public interest in the safety and well-being of all students in Minnesota schools; and

Whereas, bullying, intimidation, harassment and violence cause very serious and long-lasting damage to the victims and to the entire community; and

Whereas, great success has been achieved in preventing bullying, intimidation and harassment when effective leadership, tracking, enforcement, training, communication, accountability and resource systems are put into place; and

Whereas, parents, teachers, administrators and other responsible adults report that knowledge, capacity, leadership, support and resources are valuable tools in their efforts to respond to and prevent bullying, intimidation and harassment; and

Now, Therefore, I hereby order that:

1. The Governor's Task Force on the Prevention of School Bullying is created, under Minnesota Statutes, Section 15.0593, to examine the state of bullying, harassment and intimidation in Minnesota, including existing laws and regulations, and to advise the Governor's Office and the Legislature on effective and comprehensive policies to ensure the safety of all students in Minnesota schools;
2. The Task Force shall consist of no more than 15 members, appointed as follows:
 - a. The Commissioner of the Minnesota Department of Education, and the Commissioner of the Minnesota Department of Human Rights,
 - b. Four members from the Minnesota State Legislature, one appointed by the Senate Majority Leader, one appointed by the Senate Minority Leader, one appointed by the Speaker of the House and one appointed by the House Minority leader;
 - c. The Governor will appoint up to nine additional members, who shall serve at the pleasure of the Governor, and may include individuals with backgrounds and expertise in health professions, pediatrics, psychology or psychiatry; with expertise or special knowledge of legal policy; with experience as advocates for students who have been subjected to bullying; and with teaching or school administration careers.
 - d. At the Task Force's first meeting, its members will elect one of them to serve as their chair.
3. The purpose of the Task Force is to:
 - a. Study best practices and policies from available literature and experts;
 - b. Analyze existing statutes and policies, resources, reported levels of bullying, and consequences of bullying, intimidation and harassment;
 - c. Solicit and obtain input from the public, experts, professionals, and victims of bullying, intimidation and harassment;
 - d. Clearly define bullying, harassment and intimidation;
 - e. Provide recommendations for policy initiatives to the Governor and the Legislature based upon its findings.

4. The Task Force will provide recommendations and convey its findings in a report to the Governor's Office, the Legislature, and the public by August 1, 2012.
5. The Commissioner of Education will provide general administrative and technical support to the task force.
6. The Task Force will make its meetings open to the public and provide an opportunity for public comment.
7. Executive Order 11-33 is rescinded.

Under Minnesota Statutes 2011 § 4.035, subdivision 2, this Executive Order is effective 15 days after publication in the State Register and filing with the Secretary of State and shall remain in effect until rescinded by proper authority or it expires in accordance with Minnesota Statutes 2011 § 4.035, subdivision 3.

In Testimony Whereof, I have set my hand on February 21, 2012.



Mark Dayton
Governor

Filed According to Law:



Mark Ritchie
Secretary of State

Appendix B: Task Force Members

Co-Chairs

Julie Hertzog, Director, PACER's National Bullying Prevention Center, Bloomington

Walter Roberts, Jr., Professor of Counselor Education, Minnesota State University, Mankato

Members

Willie Bridges, Senior Planning Analyst, Hennepin County Attorney, Minneapolis

Brenda Cassellius, Commissioner, Minnesota Department of Education, Roseville

Vangie Castro, Youth Education Program Manager, Diversity Council, Rochester

Ted Daley, Senator, Burnsville

Jim Davnie, Representative, Minneapolis

Scott Dibble, Senator, Minneapolis

Philip Duran, Legal Director, OutFront Minnesota, Minneapolis

Alana Friedman, Bullying Prevention Consultant and Trainer Safe Harbor, Duluth

Tim Kelly, Representative, Red Wing

Kevin Lindsey, Commissioner, Minnesota Department of Human Rights, St. Paul

Lyn Mitchell, Education Director, AMAZE, Minneapolis

Jacob Reitan, Equality Ride Founder, Minneapolis

Thomas Scott, MD Developmental-Behavioral Pediatrician, University of Minnesota, Minneapolis

Ex-Officio

Kirk Schneidawind, Deputy Executive Director, Minnesota School Boards Association, St. Peter

Kelly Smith, Superintendent, Belle Plaine School District, Belle Plaine

Curt Carpenter, Principal, Clear Springs Elementary, Minnetonka

Mary Mackbee, Principal, St. Paul Central High School, St. Paul

Minnesota Department of Education Staff

Rose Hermodson, Assistant Commissioner

Daron Korte, Government Relations, Deputy Director

Carol Thomas, Safety, Health and Nutrition, Director

Marikay Litzau, Due Process Specialist

Nancy Riestenberg, School Climate Specialist

Appendix C: Listening Sessions

Listening Session: Common Themes (as indicated by both Community Members and Students)

- 1. There is a lack of awareness that bullying occurs online, in schools, and in the community.**

“Schools are saying there isn’t an issue and [bullying] doesn’t exist. It is time for school systems to admit there is an issue.” - Rochester

“Bus drivers seem to be blind to [bullying]. There is a lack of supervision on buses and there is the impression that bus discipline is lax.” - St. Cloud

“The worse [type of bullying] is on the Internet and cyberbullying. Parents and teachers need to be more aware.” - Mankato

“Adults need to know when problems in the school are happening.” - Mankato

“The adult community is accepting things that are not acceptable.” - Mankato

- 2. Cyberbullying has been a growing concern for both students and community members.**

“Fights are happening online right during school.” - Bemidji

“Cyberbullying is happening on Facebook, Twitter, and through pictures on cell phones.” - Mankato

“Our parents experienced a lot of physical abuse but our generation is about verbal abuse, picking on someone lower (social or economic status)...it’s about competition. Facebook hacking.” – Metro

- 3. All members of the community, including citizens, teachers, parents, and students need to be educated on what constitutes bullying.**

“Bullying is about the powerful taking advantage of the vulnerable. It happens at every age level. Educate on being helpful, respectful human beings.” - Rochester

“Kids don’t always recognize bullying.” - Bemidji

- 4. There is a need for clear and concise action steps to both prevent and intervene bullying in schools and the community.**

“There needs to be efforts to address different dynamics. I see a disconnect between the bus system and school; we don’t address what parents say to kids. The kids are getting mixed messages because we haven’t figured this out.” - Rochester

“Show that staff values the students’ well-being—both the victim and student who is bullying. Must have consistent enforcement of the rules.” - Metro

5. Prevention of bullying should occur first and foremost in the home and in the community.

“Parents are the teachers. The school is the tool to get the job done.” - Bemidji

“The school is not the place to lay all the blame. Schools are not teaching how to bully; the kids are bringing it to the school.” - Bemidji

“Maintain high expectations for an individual student’s behavior and overall community. Humanize the people involved and provide greater understanding of what caused the bullying to happen in the first place. It helps prevent future incidences and helps healing.” - Metro

6. There is a need for an active relationship to exist between parents and schools.

“Parents need the knowledge on how to address bullying and how to get help from the school.” - Bemidji

“Adults need to know that we’re ashamed of being bullied. It’s hard to admit that you let someone push you around.” - Metro

7. Lessons learned in schools need to be clearly conveyed and re-articulated within the community, and vice versa.

“We need to give the same messages within the family and the school.” - Bemidji

“Bullies bully for a reason, so what adults should do is, instead of taking the kid to the office.... find out the reason that they’re bullying.” - Metro

8. There is a need to empower youth to recognize bullying when it occurs and to take appropriate action against it (i.e., conflict resolution).

“I can’t wait for my conflict resolution class on Fridays. If every kid knew conflict resolution, there would be less bullying in the schools.” - Bemidji

“Kids need a path to report.” - Bemidji

“Kids don’t recognize what bullying is. They don’t realize it could be perceived as bullying and how it looks. They need to be taught how to stand up for themselves and how to get other students to stand up for other students.” - Rochester

“Get the students involved. Students want to be involved, if they’re educated, and that they can do something, they’ll feel good about that. Educate on the effects of bullying, that it’s not just something everyone has to go through and that it can harm people more than they think.” - Metro

9. Promote both inclusiveness and tolerance of Gay, Lesbian, Bisexual and Transgender (GLBT), special needs, and minority youth in the schools and community.

"We need to engage all parents to get schools to react better to gay issues in the media." - Bemidji

"There was a guy in one of my classes making fun of a girl with cerebral palsy...making fun of her walk. It's dehumanizing. We need to learn about different kinds of people and how we can help kids who are being harassed." - Metro

10. Students need to feel they have someone that is safe to go to.

"I think teachers can simply recognize when it's happening and pull the kids aside and let them know that they are there for them." - Metro

"Having a teacher that you can trust and you can rely on...they were there to help and speak up for me." - Metro

"Adults should build a trusting relationship with students. I had a teacher and she would check in with everyone, she knew everyone's names and would ask what was going on with them. She was everyone's favorite teacher. I feel like if I saw someone getting bullied or I was getting bullied I wouldn't tell a teacher who I didn't like or who didn't listen to me." - Metro

11. Verbal forms of bullying need to strongly be recognized and addressed.

"Bullying is insidious and not always direct. It's the atmosphere as much as behaviors. Hearing things like 'That's so gay.'" - Bemidji

"Adults need to understand that bullying is not just physical." - St. Cloud

"Mostly verbal bullying, whether directly towards someone or rumors...that carries on to the Internet and Facebook. A lot of verbal abuse comes before the physical confrontation." - Metro

Other Unique Observations

1. There is a perceived correlation between violence in the home and bullying.

"There is a correlation between domestic violence in the home and bullying."

"There is a need for consistent guidelines to prevent bullying among schools in the same district."

"We need consistency from school to school. There is a lack of consistency even within a district."

2. There is too much focus placed on the Adequate Yearly Progress measurement as defined by the No Child Left Behind.

"There is so much focus on AYP. What really matters is the well-being of kids. What good is AYP if kids are suffering?"

- 3. There is concern for how much jurisdiction schools have for bullying outside of an academic setting.**

“How much jurisdiction do schools have when it comes to cyberbullying?”

- 4. The solution to prevent bullying occurs in systematic changes.**

“We need to know it’s not a silver bullet. Systematic change is needed for long lasting impact.”

- 5. Adults in the community and school need to be more approachable.**

“Adults have an authoritative feel about them. Adults need to exhibit patience to encourage student trust.”

- 6. Bullying should be equally addressed and disciplined when involving males and females.**

“There is a double standard of males versus female language. Some kids flaunt it. If a female is sexually active, she is referred to as a ‘slut,’ but if a male is sexually active, he is a ‘player.’”

Appendix D: Glossary of Terms

Actions: Actions include gestures, physical acts, and/or conduct that is physical threatening, harmful or humiliating.

Bystander: One or more students who observe the bullying conduct.

Cyberbullying: Cyberbullying means bullying through the use of technology or any electronic communication, including, but not limited to, a transfer of signs, signals, writing, images, sounds, or data, including a post on a social network Internet web site that is transmitted by the use of computers, cell phones, or other electronic devices. [1]

Gender identity or expression: A person's actual or perceived self-image or identity as expressed through dress, appearance, behavior, speech or similar characteristics, whether or not traditionally associated with the person's physical anatomy, chromosomal sex, or sex at birth.

Images: Images include pictures, and other data shared in person or through electronic means.

Off-campus conduct: Takes place elsewhere or through the use of technology, but only if the bullying also infringes on the rights of the student at school as defined in subdivision 1(a).

Reasonable person: Taking into consideration the student's age, developmental level, and disability status to determine if the conduct was intended to harm another person.

School: All public and private elementary and secondary educational institutions.

School district: Unit for administration of a public school system or the governing body of one or more private elementary or secondary educational institutions.

School employee: Any person employed or contracted by the school or school district, including, but not limited to, teachers, administrations, safety personnel, and support staff.

Sexual orientation: Heterosexuality, homosexuality, or bisexuality.

Social and Emotional Development: Social and emotional development involves the acquisition of a set of skills. Key among them is the ability to:

- Identify and understand one's own feelings.
- Accurately read and comprehend emotional states in others.
- Manage strong emotions and their expression in a constructive manner.
- Regulate one's own behavior.
- Develop empathy for others.
- Establish and sustain relationships. [2]

Social exclusion: Repeated conduct by one or more students with the intent to ignore, isolate, exclude, or shun one or more students.

Trained volunteer: A person who is not employed by the school in any capacity who serves without promise, expectation, or receipt of compensation for services rendered but has received formal instruction on how to perform the duties of a volunteer position and/or the policies of the school.

Untrained volunteer: A person who is not employed by the school in any capacity who serves without promise, expectation, or receipt of compensation for services rendered and has not received formal instruction on how to perform the duties of a volunteer position and/or the policies of the school.

Words: Verbal acts, such as name-calling, demeaning jokes and teasing, and the transmission of sounds through electronic means, and nonverbal behavior, such as graffiti and written statements.

Footnotes:

[1] Cyberbullying definition was created using the Maine, California, and Patchin cyberbullying definitions.

[2] Social and Emotional Health definition taken from, National Institute for Childhood Research, "Promoting Children's Social and Emotional Development Through Preschool Education," by Judi Boyd, W. Steven Barnett, Elena Bodrova, Deborah J. Leong, and Deanna Gomby. New Jersey. March 2005. <http://nieer.org/resources/policyreports/report7.pdf>

Appendix E: United States Department of Education Guidelines for Effective Statute

The following are 11 areas as outlined by the United States Department of Education (<http://www2.ed.gov/rschstat/eval/bullying/state-bullying-laws/state-bullying-laws.pdf>):

1. **Prohibition and Purpose Statement:** Outlines the range of detrimental effects bullying has on students, including impacts on student learning, school safety, student engagement, and the school environment. It also declares that any form, type, or level of bullying is unacceptable, and that every incident needs to be taken seriously by school administrators, school staff (including teachers), students, and students' families.
2. **Statement of Scope:** Covers conduct that occurs on the school campus, at school-sponsored activities or events (regardless of the location), on school-provided transportation, or through school-owned technology or that otherwise creates a significant disruption to the school environment.
3. **Prohibited Behavior:** Provide a specific definition of bullying that includes a clear definition of cyberbullying. The definition of bullying includes a nonexclusive list of specific behaviors that constitute bullying, and specifies that bullying includes intentional efforts to harm one or more individuals, may be direct or indirect, is not limited to behaviors that cause physical harm, and may be verbal (including oral and written language) or non-verbal. The definition of bullying can be easily understood and interpreted by school boards, policymakers, school administrators, school staff, students, students' families, and the community. It is consistent with other federal, state, and local laws. Prohibited conduct also includes:
 - a. Retaliation for asserting or alleging an act of bullying.
 - b. Perpetuating bullying or harassing conduct by spreading hurtful or demeaning material even if the material was created by another person (e.g., forwarding offensive e-mails or text messages).
4. **Enumeration of Groups:** Explains that bullying may include, but is not limited to, acts based on actual or perceived characteristics of students who have historically been targets of bullying, and provides examples of such characteristics. Makes clear that bullying does not have to be based on any particular characteristic.
5. **Development and Implementation of Local Policies:** Directs every district to develop and implement a policy prohibiting bullying, through a collaborative process with all interested stakeholders, including school administrators, staff, students, students' families, and the community, in order to best address local conditions.
6. **Review of Local Policies:** Includes a provision for the state to review local policies on a regular basis to ensure the goals of the state statute are met.

7. **Components of Local Policies:** The department identified six components that laws typically mandate or encourage districts to cover in their local district policies. These include:
 - a. **Definitions:** Includes a definition of bullying consistent with the definitions specified in state law.
 - b. **Reporting:** Includes a procedure for students, students' families, staff, and others to report incidents of bullying, including a process to submit such information anonymously and with protection from retaliation. The procedure identifies and provides contact information for the appropriate school personnel responsible for receiving the report and investigating the incident.
 - c. **Investigating:** Includes a procedure for promptly investigating and responding to any report of an incident of bullying, including immediate intervention strategies for protecting the victim from additional bullying or retaliation, and includes notification to parents of the victim, or reported victim, of bullying and the parents of the alleged perpetrator, and, if appropriate, notification to law enforcement officials.
 - d. **Written records:** Includes a procedure for maintaining written records of all incidents of bullying and their resolution.
 - e. **Sanctions:** Includes a detailed description of a graduated range of consequences and sanctions for bullying.
 - f. **Referrals:** Includes a procedure for referring the victim, perpetrator, and others to counseling and mental and other health services, as appropriate.
8. **Communications:** Includes a plan for notifying students, students' families, and staff of policies related to bullying, including the consequences for engaging in bullying.
9. **Training and Prevention:** Includes a provision for school districts to provide training for all school staff, including, but not limited to, teachers, aides, support staff, and school bus drivers, on preventing, identifying, and responding to bullying. Encourages school districts to implement age-appropriate school- and community-wide bullying prevention programs.
10. **Transparency and Monitoring:** Includes a provision for school districts to report annually to the state on the number of reported bullying incidents, and any responsive actions taken. Includes a provision for school districts to make data regarding bullying incidence publicly available in aggregate with appropriate privacy protections to ensure students are protected.
11. **Right to Pursue Other Legal Remedies:** Includes a statement that the policy does not preclude victims from seeking other legal remedies.

Appendix F: Descriptions of Restorative Practices, Formative Discipline and Peer Mediation

Bullying, mediation and restorative processes: Peer mediation is a communication process between two or more people who have more or less equal power and have a conflict to resolve. By talking and problem-solving, they try to come to a 'win-win' solution. If a student is bullied repeatedly, there is a power imbalance. The 'win-win solution' of a peer mediation process is not appropriate and needs to be replaced with more specific expectations. The student who bullied must admit to what he/she did, and agree to meet with the person who was hurt to make amends, repair harm and make a plan to change behavior. While a restorative process uses the tools of mediation—talking (about the harm), problem solving, making a plan—it also works to ensure safety so that all participants can address this complex problem.

A restorative process has three parts to it: a pre-meeting to prepare all participants; a face-to-face meeting to address and repair the harm, and follow-up to ensure that agreements to repair harm are completed. The person who was bullied and the person who did the bullying are asked what they need in order to talk together, such as ground rules and the support of family, friends or staff. A trained facilitator guides the process.

The community (family, friends and supportive adults of the student harmed and the student who did the harm) is involved to help hold the student who bullied accountable, while supporting that student to change behavior. The community offers support to the person who was bullied, reinforces the message to bystanders that they can help prevent harm from happening, and reintegrates the student who did the bullying back into the community with support and care. Best practices in restorative practices help to “even out” the power imbalance, so that all parties can work together to repair the harm and restore the community (Morrison, 2007; Riestenberg, 2012). In contrast to the isolating effects of the punitive approach, the seeds are planted for reducing bullying and developing positive relationships in the long term (Smith, 2008).

Peer mediation: Peer mediation is a negotiation-based strategy that teaches student mediators alternative strategies to help resolve conflict among their peers. In peer mediation, students trained as conflict managers apply problem-solving strategies to assist their peers in settling disputes in a manner satisfying to all parties. Such a strategy may help keep many minor incidents from escalating over time into more serious incidents. More importantly, peer mediation teaches students an alternative set of skills that they can apply in conflict situations. Over time, students in schools with effective peer mediation programs learn that there are alternatives to violence for solving personal problems or resolving interpersonal conflict (Skiba & Peterson, 2000).

Peer mediation is an effective component for the prevention of bullying, helping students resolve conflicts before someone gets hurt. However, research indicates that it is not an effective response to bullying. As Ken Rigby (2008) notes in *Children and Bullying*, “An emerging consensus appears to be that mediation processes in dealing with bullying have quite limited applicability in schools, although they...are certainly helpful in promoting a school ethos on which bullying is less likely to occur.”

Formative consequences: Not only provide a clear message that bullying is unacceptable, but also build awareness and skills to promote the students responsibility, and positive leadership (Pepler and Craig, 2000). The effectiveness of formative consequences in reducing bullying has not been evaluated in isolation; however this form of consequences is an element of other empirically-evaluated programs (Olweus, 1991, 1993). Formative consequences provide support for children and youth to learn the relationship skills and acquire insights that they are lacking. In this way, the consequences for bullying can provide an opportunity to educate and support children and youth who are experiencing difficulties. When children are bullying their privileges can be withdrawn and replaced by an instructive activity (PREVNet, <http://prevnet.ca/AboutUs/KeyMessages/tabid/103/Default.aspx>).

Restorative intervention: Is a face-to-face meeting, facilitated by a trained adult, which includes the person who has done the harm, the person who was harmed and other affected parties, such as family members and parents, classmates, faculty, staff or community members.

The purpose of the meeting is to make clear that the bullying behavior is not condoned by the community and to build empathy for all. The person who did the harm can make amends, give back to the school and a plan can be developed for behavior change and to ensure safety, if needed, for the person harmed. The community can identify ways to support the person harmed and the person who did the harm. “Rather than imposed punishments such as menial tasks or suspensions, offenders are encouraged to act in such a way as to restore damaged relationships with others, for example, by making appropriate reparation” (Rigby, 2008).

Restorative Practices; Is a whole-school approach that includes both prevention and intervention processes to re-affirm, repair and re-build relationship in schools. At the primary prevention level, they include practices such as the circle process or morning meeting to re-affirm relationships between students and staff; at the secondary level, interventions such as class problem-solving meetings or conflict resolution to repair relationships; and at the tertiary level, restorative group conferencing or circle to repair harm to rebuild relationships broken by harm and bullying (Morrison, 2007).

Appendix G: School Climate Center

The Minnesota Department of Education's School Climate Center exists to ensure that all Minnesota's K-12 students are provided safe and supportive learning environments. The Center operates within the All Hazards planning framework by focusing on prevention, intervention, response and recovery. The Center works collaboratively with other state agencies, especially Health, Human Services, and Public Safety/Homeland Security and with other school and community organizations and public entities to best utilize available resources on behalf of Minnesota's K-12 students.

Key Services Provided by the Center:

- Policy development and dissemination:
 - The Center shall review the recommendations of the 2007 Advisory Task Force on School and Staff Emergency/All Hazard Preparedness to identify policy initiatives.
 - The Center shall be guided by the Governor's Prevention of School Bullying Task Force recommendations in the development of policy initiatives.
- Single point of contact services for schools, parents, students seeking assistance and guidance:
 - Services include information on laws and regulations, state and local resources, and best practices and research.
- Qualitative and quantitative data gathering, interpretation and dissemination:
 - Center shall support ongoing implementation and interpretation of the Disciplinary Incident Reporting System (DIRS).
 - Center shall ensure gathering and interpretation of data related to school engagement and school climate through methods such as the Minnesota Student Survey.
 - Center shall employ methods such as focus groups to guide planning and decision-making relating to emerging trends and issues.
- Education and skill building, including workshops, conferences, training of trainers on topics spanning the All Hazards Framework:
 - Biennial school climate statewide conference.
 - Web-based trainings for staff development.
 - Regional workshops.
- Multi-sector planning and advisory processes incorporating best practices and research.

Resources needed

- Center Director.
- Data Analyst Coordinator.
- Trainers (in-kind state staff commitments and fee for service contractors).
- Funds to support the development and dissemination of materials, provision of educational and skill-building sessions.
- Website development and maintenance.
- Mini-grant funds to support school site-based planning.
- Emergency grant funds to support school sites recovering from incidents of violence.
- Restoration of funding for violence prevention education to provide schools with ongoing resources to support staff training and development.

Appendix H: References

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