School Bullying: Relationship of Student Victim Characteristics and Types of Bullying Actions with Case Law Outcomes

Dr. Diane M. Holben, Assistant Superintendent, North Penn School District
Dr. Perry A. Zirkel, Professor, Lehigh University

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I. Introduction

• This Powerpoint presentation contains the highlights of a forthcoming journal article, which will contain the full details.

• Individuals seeking citation information may contact the primary author in Spring 2016:
  Dr. Diane M. Holben
  Assistant Superintendent
  North Penn School District
  holbendm@npenn.org
II. Literature Review Highlights

• Emergence of bullying as a major area of concern for schools over the past twenty years

• Definition of bullying:
  • Harmful actions (physical, verbal, or relational)
  • Intention to hurt the victim
  • Repeated actions over time

• Negative impact of bullying on students
  • Decreased grades
  • Decreased school attendance
  • Mental health concerns, including depression and suicide

A. Responses to Bullying

• School District Responses
  • Implementation of anti-bullying programs
  • Increased safety and security measures
  • Development of anti-bullying policies

• Legislative Responses
  • State anti-bullying laws – most recent – Idaho 2015

• Agency Responses
  • Office for Civil Rights (OCR) Dear Colleague letters (2010, 2011, 2014)
B. Bullying-Based Litigation

- Escalating frequency of bullying-based litigation
- Outcomes overall strongly favor district defendants
- Legal bases for litigation frequently include state and federal civil rights statutes
  - IDEA/Section 504/ADA
  - Title IX
- Need to determine frequency and outcomes of claims rulings related to:
  - Student plaintiffs with protected characteristics
  - Types of bullying actions

III. Method

- Search of Westlaw database for relevant cases from 1995 – 2014
- Selection criteria:
  - Public school students
  - Peer-to-peer bullying in congruence with Olweus (2003) criteria
- Coding of cases for:
  - Victim grade range, gender, disability status, and perceived sexual orientation
  - Types of bullying actions
  - Outcome of each relevant claim ruling
- Calculation of frequency in the claims, distribution of outcomes, and mean outcome score
IV. Results

A. Overall Findings

- 235 relevant cases
- 1061 relevant claims rulings
- 63% of claims rulings conclusively favored district defendants

B. Student-Victim Plaintiff Characteristics

<table>
<thead>
<tr>
<th>Student-Victim Characteristic</th>
<th>Frequency in Cases</th>
<th>Percent Conclusive District Outcomes for Claims</th>
</tr>
</thead>
<tbody>
<tr>
<td>Elementary School Student</td>
<td>22%</td>
<td>71%</td>
</tr>
<tr>
<td>Middle School Student</td>
<td>36%</td>
<td>62%</td>
</tr>
<tr>
<td>High School Student</td>
<td>42%</td>
<td>64%</td>
</tr>
<tr>
<td>Male</td>
<td>54%</td>
<td>62%</td>
</tr>
<tr>
<td>Female</td>
<td>43%</td>
<td>67%</td>
</tr>
<tr>
<td>Student with a disability</td>
<td>27%</td>
<td>67%</td>
</tr>
<tr>
<td>Student with a perceived homosexual orientation</td>
<td>13%</td>
<td>55%</td>
</tr>
</tbody>
</table>
C. Types of Bullying Actions

<table>
<thead>
<tr>
<th>Type of Bullying Action</th>
<th>Frequency in Cases</th>
<th>Percent Conclusive District Outcomes for Claims</th>
</tr>
</thead>
<tbody>
<tr>
<td>Verbal Actions</td>
<td>90%</td>
<td>64%</td>
</tr>
<tr>
<td>Physical Actions</td>
<td>76%</td>
<td>65%</td>
</tr>
<tr>
<td>Relational Actions</td>
<td>7%</td>
<td>66%</td>
</tr>
<tr>
<td>Sexually Offensive Touching</td>
<td>29%</td>
<td>63%</td>
</tr>
<tr>
<td>Cyber-bullying</td>
<td>8%</td>
<td>76%</td>
</tr>
<tr>
<td>Verbal and Physical Combination</td>
<td>65%</td>
<td>64%</td>
</tr>
<tr>
<td>Verbal and Relational Combination</td>
<td>2%</td>
<td>80%</td>
</tr>
<tr>
<td>Physical and Relational Combination</td>
<td>0%</td>
<td>NA</td>
</tr>
<tr>
<td>Verbal, Physical and Relational</td>
<td>4%</td>
<td>61%</td>
</tr>
</tbody>
</table>

V. Conclusions

- Districts overwhelmingly prevail for all student characteristics and types of bullying actions variables.
- The case law has a high representation of a) students with disabilities, b) male students, c) students with a perceived homosexual orientation, and (d) secondary students.
- School districts should proactively address culture and climate issues that may tolerate bullying in order to reduce litigation.
References


References


References


