

August 4, 2010

The Honorable Kathleen Sebelius  
Secretary  
U.S. Department of Health and Human Services  
200 Independence Avenue, SW  
Washington, D.C. 20201

Dear Secretary Sebelius:

In advance of the August 11-12 Federal Bullying Prevention Summit, the undersigned civil rights, religious, education, professional, and civic organizations, submit the following policy and programming recommendations for Federal action.

We urge you to build on these recommendations to develop, fund, and promote proactive strategies to confront bullying, cyberbullying, and harassment in schools and in the community.

- 1. The Federal government should fund innovative policies, programs, initiatives, education, and training for school personnel and students to prevent and respond to bullying, cyberbullying, and harassment and other school violence incidents through school-wide positive behavior supports and early intervention programs that are evidence-based and culturally and linguistically competent.**
- 2. The Federal government should require every state and local educational institution to adopt an inclusive anti-bullying and harassment policy (including cyberbullying) focused on restricting acts of harassment, intimidation, and invasion of privacy.** Effective policies should be comprehensive, require training, notice and data collection, be protective of constitutional rights, and include protections for individuals at particularly high risk of being bullied by their peers based on actual or perceived personal characteristics including, but not limited to, race, religion, national origin, sex, disability, sexual orientation, or gender identity.
- 3. In conjunction with behavioral and social scientists, academic institutions and non-profit community-based organizations, the Federal government should fund and conduct strong research and evaluation about the nature and magnitude of the bullying, cyberbullying, and harassment problem in America and efforts to address it.** Such research should also examine the causes and consequences of bullying and harassment, including its impact on students' educational attainment, academic achievement and mental health, and identify best practices in bullying and harassment prevention and intervention efforts. In addition, research needs to include the impacts of threats of violence and assaults directed against teachers and other school personnel.
- 4. All appropriate and relevant Department of Education, Department of Health and Human Services, and Department of Justice surveys and research instruments designed to inform policy should collect and integrate detailed information about bullying, cyberbullying, harassment, and other school violence incidents.** These surveys should include information concerning whether the incident was motivated, in whole or in part, by the victim's actual or perceived personal characteristics – including, but not limited to, race, religion, national origin, sex, disability, sexual orientation, or gender identity.
- 5. Federal agencies should greatly expand and publicize their anti-bullying and harassment resources.** Building on the existing Department of Health and Human Services "Stop Bullying Now!" Web site, the Federal government should launch a new, comprehensive Web site with coordinated links to the full range of Department of Education, Department of Justice, and Department of Health and Human Services resources on the topic – research, reports, policies, and best practices. The launch of the expanded, consolidated Web site should be accompanied by a coordinated public awareness campaign.

6. **The Administration should promote the enactment of comprehensive legislation focusing on inclusive anti-bias education, hate crime prevention, and bullying, cyberbullying, and harassment education, policies, training, social and emotional learning, and school-wide positive behavior supports and early intervention initiatives. Anti-bullying and harassment provisions should be included in the reauthorization of the Elementary and Secondary Education Act, the Juvenile Justice and Delinquency Prevention Act, and other appropriate legislative vehicles.**
7. **The Department of Justice and the Department of Education should more aggressively use existing authority to enforce current civil rights protections – including Title VI, Title IX, and Section 504 of the Rehabilitation Act.** Federal agencies should coordinate enforcement actions and update guidance for school personnel to emphasize liabilities, obligations, and constitutional protections under current law.
8. **Federal agencies should discourage improper school use of exclusionary discipline practices.** Instead, the Federal government should encourage the use of evidence-based approaches designed to address bullying and harassment, provide alternatives to expulsion, and improve school climate overall.
9. **Government leaders should use their bully pulpit to build awareness of the national problem of school-based bullying, cyberbullying, and harassment and should condemn bullying, cyberbullying, harassment, and bias-motivated violence whenever and wherever it occurs.**

Detailed information on these proposals is included in the attached document. We very much hope these recommendations will be useful as Federal agencies create programming, funding, and legislative priorities for the future.

Sincerely,

**American-Arab Anti-Discrimination Committee (ADC)  
American Association of People with Disabilities.  
American Association of University Women (AAUW)  
American Counseling Association  
American Jewish Committee  
American Music Therapy Association  
American Psychological Association  
American School Counselor Association  
American School Health Association  
Americans for Democratic Action, Inc.  
Anti-Defamation League  
Asian American Justice Center  
Association for Gender Equity Leadership in Education (AGELE)  
The Autism Society  
The Judge David L. Bazelon Center for Mental Health Law  
B'nai B'rith International  
Center for Preventing Hate  
Center for the Study of Hate & Extremism, California State University, San Bernardino  
CenterLink: The Community of LGBT Centers  
Central Conference of American Rabbis  
Children and Adults with Attention Deficit/Hyperactivity Disorder  
Council for Children with Behavioral Disorders  
Council for Learning Disabilities  
Council of Parent Attorneys and Advocates, Inc. (COPAA)  
Easter Seals**

Family Equality Council  
Gay, Lesbian and Straight Education Network  
Healthy Teen Network  
Hindu American Foundation  
Human Rights Campaign  
Interfaith Alliance  
Japanese American Citizens League  
Jewish Council for Public Affairs  
The Leadership Conference on Civil and Human Rights  
League of United Latin American Citizens  
Mexican American Legal Defense and Educational Fund  
Muslim Public Affairs Council  
NAACP  
National Alliance of Black School Educators  
National Alliance for Partnerships in Equity  
The National Alliance on Mental Illness  
NAME, National Association for Multicultural Education  
National Association of School Psychologists  
National Association of Secondary School Principals  
National Association of Social Workers  
National Black Justice Coalition (NBJC)  
National Center for Transgender Equality  
National Council of Jewish Women  
National Council of La Raza  
National Council on Independent Living  
National Disability Rights Network  
National Education Association  
National Fragile X Foundation  
National Gay and Lesbian Task Force  
National Latina Institute for Reproductive Health  
National Network for Youth  
National Organization for Women  
National Partnership for Women and Families  
National Women's Law Center  
9to5, National Association of Working Women  
North American federation of Temple Youth  
OCA  
Parents, Families and Friends of Lesbians and Gays (PFLAG) National  
School Social Work Association of America  
Sikh American Legal Defense and Education Fund  
Sikh Coalition  
South Asian Americans Leading Together  
TASH  
UNID@S, The National Latin@ LGBT Human Rights Organization  
Union for Reform Judaism

## **Federal Bullying Prevention Summit Recommendations**

### **Programming and Funding Initiatives**

- The Federal government should fund innovative programs and initiatives to prevent and respond to bullying, cyberbullying, harassment, and other school violence incidents through school-wide prevention and early intervention programs that are evidence-based and reflect cultural and linguistic competencies. Such funding should be structured in a manner that makes resources available to all states and districts. These programs should include training for school administrators, law enforcement officials, school resource officers, faculty, students, all staff in contact with the student population, and families. School-family-community partnerships should be encouraged.
- The Federal government should require every state and local educational institution to adopt inclusive anti-bullying policies. Effective policies should:
  - Require an inclusive definition of bullying (including electronic communications), which addresses bullying motivated by enumerated, identifiable characteristics, including, but not limited to, actual or perceived race, color, national origin, sex, disability, sexual orientation, gender identity, and religion (or persons associated with them);
  - Require clear procedures for reporting and investigating bullying and cyberbullying incidents;
  - Mandate education and training for students, professional development opportunities for faculty and staff, and provide appropriate interventions for victims and perpetrators;
  - Mandate school reporting and district-wide data collection of bullying incidents, including those that target school personnel;
  - Address the ability of schools to apply policies to cyberbullying initiated off-campus that are consistent with students' legal rights;
  - In addition to student bullying of peers, address bullying committed by school personnel and other adults, as well as bullying that targets school personnel; and
  - Balance a school's duty to maintain a safe, non-discriminatory learning environment with students' constitutional rights to privacy and free speech.
- Federal agencies should encourage elementary school-based programs, including anti-bias, prevention and early intervention initiatives that decrease bullying behavior before it intensifies in middle school. Schools should strive to create learning environments in which all students, from all family backgrounds and beliefs, are welcomed and respected. Special attention should be paid to particularly vulnerable students, including but not limited to, those targeted on the basis of their actual or perceived race, religion, national origin, sex, gender identity, disability, sexual orientation, as well as post-9/11 backlash harassment victims.
- The Federal government should promote proactive steps to foster healthy learning environments and restructure discipline strategies. For example, School-Wide Positive Behavior Interventions and Supports (SwPBS) is an evidence-based, alternative approach targeting to school climate and discipline policies that can complement bullying-prevention strategies while reducing disciplinary incidents and supporting improvements in student achievement, attendance, perceptions of school safety, and teacher morale.

- Federal agencies should discourage improper school use of exclusionary discipline practices. According to the American Psychological Association's Zero Tolerance Task Force (2006), reliance on exclusionary practices does not make schools safer. Instead, a reliance on these practices is correlated with lower school-wide achievement and an increased likelihood that the excluded students will drop out or become involved in the juvenile and criminal justice systems. Federal agencies should also discourage the use of out-of-school suspension for bullying except when in-school suspension is not appropriate.
- Federal agencies should collaborate in the promotion of programming that links students at risk or with serious emotional or behavior problems with integrated, effective school and community intervention services.
- In addition to programs that specifically address bullying and cyberbullying awareness, prevention, and intervention, Federal agencies should provide schools with the flexibility to use funds for programming in the area of social and emotional learning, student threat assessment, mental health promotion, prevention, early intervention, and School-Wide Positive Behavior Supports.
- To the extent that Federal law permits partnerships and government funding for faith-based organizations and institutions, regulations should ensure that no funding is used to proselytize or discriminate on the basis of race, religion, national origin, sex, disability, sexual orientation, or gender identity.

#### **Federal Research, Reporting, and Data Collection Initiatives**

- All appropriate and relevant Department of Education, Department of Health and Human Services and Department of Justice surveys and research instruments designed to inform policy should collect and integrate detailed information about bullying and harassment, including information concerning whether the incident was motivated, in whole or in part, by the victim's personal characteristics, including, but not limited to race, religion, national origin, sex, disability, sexual orientation, or gender identity.

This recommendation should apply to, among other reports, these existing Federal school climate reports:

- **Indicators of School Crime and Safety**
- **School Survey on Crime and Safety questionnaire**
- **National Crime Victimization Survey's School Crime Supplement (NCVS-SCS)**
- **Youth Risk Behavior Survey (YRBS)**
- In conjunction with behavioral and social scientists, academic institutions and non-profit community-based organizations, the Federal government should fund and conduct strong research identifying and evaluating:
  - The nature and magnitude of the school bullying and cyberbullying problem;
  - Bullying prevention and intervention efforts, including:
    - Specifically, the factors which contribute to schools where students feel and are physically and emotionally safe;

- The causes and consequences of bullying, including its impact on students' educational attainment, academic achievement and mental health. Such research should address disparities in victimization based on a student's personal characteristics;
  - The nature, magnitude and impact of school enforcement of anti-bullying and other disciplinary policies disproportionately on specific, vulnerable groups; and
  - The causes and consequences of bullying targeting teachers and other school personnel on retention in the profession, mental health, teaching effectiveness and lost time at work. Such research should address disparities based on the victim's personal characteristics and position in school.
- Effective practices to prevent and address bullying.

### **Building on Existing Law**

- The Department of Justice and the Department of Education should more aggressively use existing authority to enforce current civil rights protections – including Title IX of the Education Amendments of 1972, Title VI of the Civil Rights Act of 1964, and Section 504 of the Rehabilitation Act. Federal agencies should coordinate enforcement actions and update guidance for school personnel to emphasize liabilities, obligations, and constitutional protections under current law.
- The Department of Education's Office of Civil Rights (OCR) January 2001 "*Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, Title IX*" (2001 Guidance) provides an important framework for any future guidance on bullying. The Guidance importantly notes that gender-based harassment may take many forms and may include harassment based on sex-stereotyping that can create a hostile environment.
  - OCR should reaffirm, reiterate, and more widely publicize the core principles in the 2001 Guidance.
  - OCR should update its policy and guidance to clarify that schools have an obligation to address bullying and harassment communicated electronically. The technology available to students has changed dramatically since 2001, with the proliferation of social networking sites, camera phones, and other electronic communication devices.
- OCR should also revise and update its excellent 1999 collaboration with the National Association of Attorneys General, *Protecting Students from Harassment and Hate Crime*.
- OCR should vigorously exercise its authority to conduct agency-initiated compliance reviews of schools' adherence to existing federal civil rights laws and more frequently exercise its authority to refer cases to the Department of Justice for possible litigation.
- Recognizing that harassment and discrimination based on sexual orientation and gender identity can also be discrimination based on sex, the Justice Department should aggressively use its existing authority to litigate cases as it did in the 2010 case involving harassment against a juvenile in *J.L. v. Mohawk Central School District* in New York.

### **Web sites and Resources:**

- The Federal government should partner with prominent youth-oriented media and social networking corporations and organizations to create and promote public service announcements to address bullying and cyberbullying – including references to Web sites and resources that provide assistance.

- The existing Federal anti-bullying Web site, "[Stop Bullying Now!](#)", developed and administered by the Department of Health and Human Service's Health Resources and Services Administration (HRSA) is informative, inclusive, substantive – and underutilized.
- The Department of Education, the Department of Health and Human Services and the Department of Justice should collaborate to ensure that parents, school personnel, and students, and community-based child serving professionals are aware of the useful and informative Web resources that are available to address bullying and harassment.
- Federal agencies should build on the "Stop Bullying Now!" resources through expanded focus on the Web site or launch a new, comprehensive Web site, accompanied by a coordinated public awareness campaign.
  - The new or expanded Web site should include links to research, policies, and best practices.
  - The new or expanded Web site should include resources that states and districts can use to foster family engagement, regardless of family structure.
  - Prominent links to the new or expanded Web site should be readily accessible and prominently displayed on the White House, Education, Justice, and HHS Web portals.

#### **Legislative Initiatives**

- The Administration should promote the enactment of comprehensive legislation focusing on inclusive anti-bias education, hate crime prevention, and bullying, cyberbullying, and harassment education, policies, training, social and emotional learning, school-wide positive behavior supports and early intervention initiatives. Bullying, harassment and non-discrimination provisions should be included in the reauthorization of the Elementary and Secondary Education Act, the Juvenile Justice and Delinquency Prevention Act Reauthorization, and other appropriate legislative vehicles.
- The Administration and Congress should actively seek opportunities to extend non-discrimination protections in federally-funded programs to additional classes and further integrate anti-bullying, harassment, and hate crime prevention and intervention initiatives into existing anti-discrimination laws.