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Matthew D. Kreuzt
Georgia Southern University

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Title Page

Policies on the Victimization of Enumerated Students Across the Geographic South

An Honors Thesis submitted in partial fulfillment of the requirements for Honors in
Criminal Justice and Criminology requirements.

By
Matthew Kreutz

Under the mentorship of Dr. Kristin Lloyd

ABSTRACT

A high-quality school district anti-bullying policy is not enough to reduce bullying and safeguard bullying-involved individuals. When bullying policies do not successfully attain targeted results, it is difficult to know if they were implemented as planned. Victims of bullying often suffer long-term psychological problems, including loneliness, diminishing self-esteem, psychosomatic complaints, and depression. This thesis will cover theoretical evaluations and content analysis of bullying policies and their enactment at the district and state levels in the geographic South.

Thesis Mentor: _____

Dr. Kristin Lloyd

Honors Director: _____

Dr. Steven Engel

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Georgia Southern University

Introduction

For decades, extreme school violence, such as school shootings, has dominated the public discourse around the school. While these events are tragic and warrant discussion, conversations about less violent school-based victimization (e.g., bullying) are less popular. This is problematic, as bullying is a more prevalent problem in schools than the highly publicized forms of school violence —especially among youth who are different from their peers (Stop bullying, 2021). For example, research indicates that school-based forms of victimization are more prominent among those with disabilities, minority gender expression, and sexual orientation, among other categories (Stop bullying, 2021).

To address the targeted bullying of marginalized youth, such as those who identify as LGBTQ+ or have disabilities, many school districts, states, and nations have implemented anti-bullying legislation and policies. These measures aim to create safe and inclusive environments for all students by supporting bullying victims, holding perpetrators accountable, and promoting education and awareness about the harmful effects of bullying. (Cornell & Limber, 2016). Ongoing evaluation and revision of these policies are essential to ensure they are effective, inclusive, and address the evolving needs of students and their communities.

While these policies are a crucial step in the right direction to combat bullying in schools, little is known about how effective anti-bullying policies are at protecting marginalized youth—particularly those with disabilities. To be sure, research examining the explicit naming of disabled youth in anti-bullying policies is sparse. Accordingly, the purpose of the current study is to examine bullying policies in five states in the Southern United States. Specifically, this thesis seeks to understand better how anti-bullying policies

at the district and state levels are drafted to protect disabled students at school. This thesis aims to raise awareness about the importance of including disabled youth in anti-bullying policies and encourage policymakers and educators to prioritize the needs of this population. Nevertheless, this study also aims to pull existing literature on policies regarding enumerated students and further understand the protections needed and advance the current understanding of how anti-bullying policies can be improved to protect marginalized students, particularly those with disabilities.

Literature Review

Bullying has long been a problematic form of victimization among youth and adolescents. Although there is a general understanding of bullying, readily available definitions vary, and several critical criteria, such as intent, repetition, and power, commonly appear in the existing literature. According to the U.S. Department of Health and Human Services (2015), bullying is “unwanted, aggressive behavior among school-aged children that involves a real or perceived power imbalance” and is repeated over some time. Expanding on this definition, the Centers for Disease Control and Prevention (CDC) defines bullying as “any unwanted aggressive behavior(s) by another youth or group of youths, which are not siblings or current dating partners, that involves an observed or perceived power imbalance, and is repeated multiple times or is highly likely to be repeated” (Centers for Disease Control and Prevention, 2021).

While the definition of bullying has changed over several years, the human desire to outperform others and overcome obstacles has not. This survival instinct and competitive spirit have remained consistent over time and are evident in the educational, social, and

economic realms (Donegan, 2012). Indeed, bullying has been a regular aspect of everyday life, and even a rite of passage, among children and adolescents for decades. In the 1970s, through his bullying prevention program housed at Clemson University, Dan Olweus began empirically researching the prospects of bullying, attempting to understand why it occurs, how it impacts people physically and mentally, and how it may be prevented. His research has informed modern-day understandings of bullying and influenced the larger body of scholarship.

Contemporary Approaches to Studying Bullying

Differentiating between physical altercations and bullying played a crucial role in redirecting the course of research on bullying. Olweus is the most cited bullying researcher, as he brought about the modern-era research on peer victimization in schools and the characteristics typical of peer attitudes (American Psychological Association, 2011). He includes three main attributes for the definition of bullying: “(a) It is aggressive behavior or intentional “harm doing” (b) which is carried out “repeatedly and over time” (c) in an interpersonal relationship characterized by an imbalance of power.” These are the key elements considered in formal definitions of bullying today. According to Smith (2004), before the 1990s, the definition of bullying was vastly increased to include terms such as indirect aggression (i.e., aggression perpetrated via a third party), relational aggression (i.e., an act carried out to damage someone’s peer relationships), and social aggression (i.e., aggression that is damaging to one’s self-esteem or social status).

Therefore, it would be challenging to overemphasize the influence of Olweus. He was among the first to create systematic and carefully documented research on bullying.

Not only that, but Olweus (1978) also invented the first systematic method of studying bullying using a 'self-report questionnaire.' Such considerations led to a significant shift in the type of research scholars conducted (Koo, 2007). For example, researchers in different disciplines have expanded the study of bullying. Specifically, scholars expanded from studying bullying as only indirect and harmful to indirect interactions such as social exclusion and direct verbal taunting while focusing on systematic intervention research. Examples include Bjorkqvist, K., Lagerspetz, K.M.J., & Kaukiainen, A. (1992) expanding the meaning of bullying and including indirect forms (e.g., rumor spreading).

Furthermore, Olweus (1999) began to include more indirect ways of bullying, like unkind gestures and facial expressions. Another group of researchers, Smith and Rigby, also included forms of indirect bullying (e.g., unkind gestures and gossiping). With these changes, it is evident that the defining features of bullying have changed in the past half-century and have begun to include more psychological implications rather than overtly physical aspects.

Historically, bullying has existed as an exchange between two people. However, contemporary research illustrates that it can be an extensive group interaction (Salmivalli, 2014). Groups may comprise bystanders who do nothing, peer reinforcers promoting bullies' actions, or defenders who aid the victim. Recent estimates show that bystanders are present nearly 85% of the time but rarely aid the victim (Graham, 2016). As new research becomes performed on bullying and the behaviors that constitute bullying are augmented, there is a growing need for a new, formal definition. For example, in recent years, studies have indicated bullying with the intent of humiliating, poking fun of, and name-calling (Volk et al., 2014). Bullying tends to be more proactive, meaning it is carried

out over time with a goal or intent instead of only one or two times (Law et al., 2012, p. 665).

While individuals have traditionally considered bullying an adolescence-limited activity, typically occurring in schools or on playgrounds, bullying can occur in many contexts, including prisons, places of work, and online. Scholars attribute this to social dominance; for example, bullies target people to establish authority and promote deference (Menesini & Salmivalli, 2017). Such actions are typically observed in prisons where a specific individual is most assertive and socially dominant. For example, someone new to the prison system could be chosen by someone deemed stronger or more socially dominant for no reason other than being new to the prison (South, C. R., & Wood, J. (2006). Of course, bullying is not limited to schools or prisons, as this scenario can occur anywhere there is a power difference, such as the internet.

With the development and popularity of various social media platforms and internet access at virtually everyone's fingertips, bullying is also quite common in the digital landscape (Donegan, 2012). There are two critical implications of this. First, students bullied while physically in school or on the bus may have a much more difficult time escaping this form of victimization outside school. For example, before the internet and social media became popular, students would be bullied when they had physical contact with their peers (e.g., at school, on the playground, on the bus) but were safe at home. Now, if students have social media profiles and access to the internet, this bullying may continue regardless of physical proximity to their peers (Juvonen & Graham, 2014). Second, students who manage to escape bullying in schools may now experience Bullying online, as the internet opens avenues for peer bullying (Juvonen & Graham, 2014). Scholars have

traditionally excluded forms of cyberbullying from formal definitions (e.g., Menesini & Slamivalli, 2017). However, considering the above, a contemporary explanation is warranted—including all conditions and aspects of bullying.

The national focus on bullying at the time in the United States was preceded by a government campaign called the safe school initiative. It was a collaboration between the Secret Service and the DOE. Together they examined the thoughts and behaviors of the perpetrators of U.S. school shootings between 1974 and 2000. The researchers determined common characteristics and, more importantly, discovered that approximately 71% of the school shooters had been victimized before the incident.

Consequences of Bullying

Victim blaming is a common issue, as people believe that victims hold responsibility for crimes committed against them. Breaking down these demographics can also provide insight into the students who are victimized more than others. For example, national estimates show that 23% of African American students, 23% of Caucasian students, 16% of Hispanic students, and 7% of Asian students report being bullied at school (National Center for Educational Statistics, 2019). Furthermore, nearly 90% of students who are perceived or identify as LGBTQ experienced harassment or assault based on their characteristics, which includes sexual orientation, gender expression, gender, religion, actual or perceived race and ethnicity, and actual or perceived disability. As such, Prior to Covid-19, LGBTQ students who experienced a higher level of victimization because of their sexual orientation were nearly three times as likely to have missed school in the past

month than those who experienced lower levels (The 2019 National School Climate Survey).

Thanks to improvements in survey methods, which allow scholars to reach more people anonymously, there is a better understanding that bullying is heterogeneous; for instance, research has shown that students with disabilities have higher victimization rates than their non-disabled peers (Rose et al., 2011). Understanding the variation in victimization among different demographics is essential, as extant literature has established a strong relationship between bullying and adverse outcomes.

Existing scholarship illustrates many adverse outcomes of bullying, such as poor health outcomes, poor social adjustment, and psychological distress (Moore et al., 2017). The range of negative consequences of bullying is wide-ranging and varies by the age of the perpetrator and victim. For example, school-age children bullied by their peers face physical, psychological, social, and school-based consequences (Armitage, 2020). Conversely, older individuals that experienced childhood bullying can lead to psychopathology, suicidality, and criminality. Students who are bullied often do not feel safe in their learning environments. Instead, victims of bullying feel a great deal of fear and worry, which can have physical and psychological impacts (Armitage, 2020). School-age victims of bullying who feel unsafe may stop focusing on grades, withdraw from social engagements, and become too worried to eat (Armitage, 2020). The same may be true for those who are bullied in other settings, such as on the school bus (deLara, 2008; Walters et al., 2021), the workplace (Matthiesen & Einarsen, 2007), and social media (Juvenon & Gross, 2008). In their groundbreaking study, Juvenon and Gross (2008) found that within

the past year, 72% of survey respondents reported at least one online bullying incident, 85% of whom also experienced bullying in school.

Ultimately, victims of bullying may have compounding anxiety disorders that can become disabling if not treated appropriately (Vanderbilt & Augustyn, 2010). Indeed, victims of bullying struggle to function in everyday life. For example, victims report poor general health, more trouble making and keeping friends, and less social support (Wolke & Lereya, 2015). This is important because their peers typically dislike those victimized and are often lower in the social hierarchy. Moreover, victims of bullying often have fewer peers to listen to or provide needed support (Turanovic et al., 2023). This may also be true for individuals with disabilities, as they are typically even more isolated than their typically functioning peers (Estell et al., 2009).

Consequences of Bullying Among Disabled Individuals

Concerning victimization in schools broadly, some groups are even more at risk of being victimized and suffering more severe consequences from bullying. For example, special populations, including those with disabilities, whether physical, emotional, or psychological, require greater focus and attention and demand further research and applicational studies. This is supported by micro-level applications of routine activity theory and risky lifestyles theory, which suggest that risk for victimization can be attributed to contextual and individual characteristics that make some victims more susceptible to violence than others (Cohen & Felson, 1979; Turanovic & Pratt, 2016). One such characteristic is being a person with a disability.

The Americans with Disabilities Act, or the ADA, defines a disabled person as someone who “has a physical or mental impairment that substantially limits one or more

major life activities, has a history or record of such an impairment (such as cancer that is in remission), or is perceived by others as having such an impairment (such as a person who has scars from a severe burn)” (ADA.gov, 2022). Disabilities are classified according to six limitations: hearing (deafness or serious difficulty hearing), vision (blindness or serious difficulty seeing, even when wearing glasses), cognitive (serious difficulty in concentrating, remembering, or making decisions because of a physical, mental, or emotional condition), ambulatory (difficulty walking or climbing stairs), self-care (a condition that causes difficulty dressing or bathing), and independent living (physical, mental, or emotional states that impede doing errands alone, such as visiting a doctor or shopping). With these characterizations, the CDC estimates that approximately 1 in 4 adults or 26% has some disability.

Targeted bullying involving special populations, such as those with a disability, is called discriminative or prejudice-based Bullying (Menesini & Salmivalli, 2017). This is a unique form of bullying that targets those who are often among the lowest in the social hierarchy. For example, those with lower self-esteem, loneliness, physically smaller, less assertive, and more anxious than bullies (Shetgiri, 2012).

Bullying Policies

Policy is an umbrella term for various regulatory measures, including laws, statutes, policies, regulations, and rules (Hall, 2017). These terms vary based on the jurisdiction and legal authority of the individual or group who established the policy.

The quality of public policy decisions is mainly dependent on factors outside of the content of the evidence itself, including the skills and abilities of policymakers to analyze

and apply the best available evidence to the policy problem (Sohn, 2018.) The most expansive laws mandate a district policy and set deadlines for districts to comply that are written into statutes. State laws also vary in instructing school districts to integrate new bullying provisions into existing school-based policy documents. Several states require districts to create stand-alone policies integrated into school disciplinary policies or codes of student conduct. In contrast, some states also include an additional provision requiring or encouraging local districts to develop policies through a collaborative process involving interested stakeholders (U.S. Department of Health and Human Services, 2014).

The stakeholders identified in the laws include parents or guardians, students, volunteers, school personnel, community representatives, and members of local law enforcement. Through stakeholder representation, policies can better be created with public ideology in mind and create better outcomes for policies. The training and prevention components of state legislation encompass a range of provisions, including professional development activities for school personnel to educate them on how to prevent and appropriately respond to bullying situations, bullying education or awareness programs for students, and programs that promote whole-school approaches to improving the climate in schools related to bullying and harassment. While these components are included in many policies, states use different approaches to legislate the training and prevention components needed to combat bullying.

Bullying Policies in the United States

The U.S. is a unique nation with one of the world's largest populations, and various levels of government determine policies. Local, state, and federal entities are tasked with deciding what they believe is in the public's best interest concerning policies and laws.

These policies and laws, for example, span education (through the Department of Education, or DOE), work and occupational hazards (through the Occupational Safety and Health Administration, or OSHA), and many other areas. However, it is neither the best nor perfect system, as policy creation is imperfect.

Educational policies, which may be adopted at the state or district level, are intended to promote equality in educational material, access to programming, and school safety, among other goals. Policies are helpful in educational settings because they can prevent, require and discourage specific behavior, thus promoting school safety. For example, a policy may require teachers and faculty members to respond or act on certain undesirable behaviors they have witnessed and provide proportionate punishment for students who engage in those behaviors, such as Bullying (Rivara et al., 2016).

The DOE is tasked with reviewing and evaluating state anti-bullying legislation and, through these reviews, establishes a framework for similar policies (Hall, 2017). The framework includes definitions of bullying, adoption of recommended practices, and training and communication about policies. This framework allows for consistent development and implementation of policies across states and, in turn, allows for a more accurate assessment of the effectiveness of anti-bullying policies. One issue, however, is that current research uses different methods for assessing bully victimization, which creates a barrier to accurately estimating bullying prevalence rates for students (Volk et al., 2014). This is especially true concerning special-needs students.

School bullying policies emerged in 1999 following the Columbine High School shootings. Since incorporating these policies in Colorado, many districts across the U.S. have adopted their policies in the name of school safety (Hall, 2017). The Columbine

shooting brought bullying awareness to the forefront of everyone's minds, including students, parents, teachers, and anyone who cared about children and their educational well-being. This tragic event brought forth by the continued victimization of two students considered academically bright and inclined could have been prevented had the signs been understood and acted upon by faculty or even other students. With Georgia becoming the first state to enact anti-bullying law, other states followed suit to create anti-bullying laws to protect students from bullying. These laws typically contained the purpose, scope, prohibition of bullying behaviors, district implementation requirements, procedures for reporting bullying incidents, consequences of bullying perpetrators; communication of the policy to those involved; and training for school personnel on bullying intervention (DHHS, 2015).

Legal protections and provisions do exist for students with disabilities. One such legal protection is the "Individuals with disabilities education act." This federal law requires that each child with a disability who qualifies for special education and related services must receive a free and appropriate public education (FAPE). The State Department of Education in each state enforces IDEA. Students with an Individualized Education Program (IEP) would qualify for these protections. Another provision is the "Dear Colleague" letters which act as guidance documents issued by a federal agency that helps explain and interpret existing laws and regulations. In 2014 one Dear Colleague letter was sent to educators detailing public schools' responsibilities under Section 504 of the Rehabilitation Act, Title II of the Americans with Disabilities Act, and Individuals with Disabilities Act regarding bullying students with disabilities. Suppose a student with a disability is being bullied. In that case, these federal laws require schools to take immediate

and appropriate action to investigate the issue and, as necessary, take steps to stop the bullying and prevent it from recurring.

The letter further clarified that bullying a student with a disability on any basis, not just their disability, may result in a denial of FAPE that the school must remedy. Under Section 504, the IEP or 504 teams should convene when bullying of a student with a disability occurs on any basis in order to determine whether the student's needs have changed and whether FAPE is still being provided. The letter also clarified that when OCR receives a complaint related to bullying of a student with a disability, it may investigate whether there has been a FAPE violation, a disability-based harassment violation, or both, depending on the unique circumstances of the case.

From 1999 to 2010, state legislatures nationally enacted more than 120 separate bills that either introduced or amended bullying statutes in their education or criminal codes. Many Bullying laws enacted since 1999 were modeled initially on existing civil rights legislation that protects groups from various forms of harassment under the law. The legislative language in crafting bullying laws often borrows directly from harassment statutes (Green & Ross, 2005). This has frequently led to a conflation of terms used to define prohibited conduct, with "bullying" and "harassment" often used interchangeably in laws, despite their essential legal distinctions. The legal distinctions between bullying and harassment can have important implications for implementing and enforcing laws (Sacks & Salem, 2009).

The conflation between bullying and harassment also may create challenges for schools around interpreting how they must legally respond to different types of bullying and harassment claims. On October 26, 2010, in Dear Colleague Letter, the Department's

OCR reminded school districts that student misconduct that falls under the school's bullying policy also might trigger legal responsibilities under one or more federal civil rights laws. The letter stated that harassment "creates a hostile environment when the conduct is sufficiently severe, pervasive, or persistent to interfere with or limit a student's ability to participate in or benefit from the services, activities, or opportunities offered by a school. When such harassment is based on race, color, national origin, sex, or disability, it violates the civil rights laws that OCR enforces" (U.S. Department of Education, 2010b).

As legislation has changed the outcomes and consequences of bullying, so has the perception of bullying. A push for the criminalization of bullying has had mixed views and understandings between parents, students, and school administrators (Cornell & Limber, 2016). This shift from school jurisdiction to law enforcement has become increasingly apparent as a growing number of state bullying laws now require mandatory reporting by school personnel of offenses that may violate criminal statutes (Cornell & Limber, 2016). Many states have also introduced bullying provisions into their criminal and juvenile justice codes. For example, North Carolina passed a law to criminalize cyberbullying, making it an offense punishable as a misdemeanor for youths under 18 (Cornell & Limber, 2016). State legislatures also may grant regulatory authority to state boards and education agencies to implement rules that govern their administration.

Anti-bullying policies often require school employees to receive training on prevention strategies, integrate bullying awareness and education into classroom lessons and curriculums, and provide counseling for students involved in bullying (Limber & Small, 2003). Thus, policy lays the groundwork for specific and targeted school interventions by outlining goals and directives in the policy document (Hall, 2017.)

President George W. Bush signed the Americans with Disabilities act on July 26, 1990, which prohibits discrimination against people with disabilities in employment, transportation, public accommodations, commercial facilities, telecommunications, and state and local government services (ADA.gov, 2023). Although the United States has no federal law against school bullying, all states have enacted anti-bullying laws (U.S. Department of Health and Human Services, 2015).

Georgia was the first state to sign anti-bullying legislation in 1999; as of 2023, all 50 states and the District of Columbia have enacted anti-bullying legislation (Rivara et al., 2016). Most state anti-bullying laws have definitions, suggestions, and mandates for schools, with disciplinary policies and practices crafted at the state and local levels (Limber & Small, 2003.) State anti-bullying laws, as defined by the Department of Education. (DOE), use a framework for policy creation by analyzing state statutory school bullying laws. This consisted of 16 items organized into four categories. The four categories covered policy definitions, district policy review and development, strategies for communication, training, legal support broadly, and mandated procedures (Hatzenbuehler et al., 2015).

Content Of Bullying Policies

Research conducted on existing policies almost exclusively focuses on the content of the anti-bullying legislation and rarely on the effectiveness and outcomes of such policies, as outlined by (Hatzenbuehler et al., 2015). Very few studies have been conducted to examine these policy outcomes and determine if such policies benefit schools and the students they are intended to protect (Hatzenbuehler et al., 2015). For example, a study carried out by researchers on the effects and outcomes of inclusive anti-bullying policies found positive results. Their findings are as follows, “Inclusive anti-bullying policies were

significantly associated with a reduced risk for suicide attempts among lesbian and gay youths, even after controlling for sociodemographic characteristics (sex, race/ethnicity) and exposure to peer victimization.” (Hatzenbuehler & Keyes, 2013, p. s23).

Further, there is substantial variation in how bullying is defined across states, which adds to the overall problem of consistency between states and policy creation. Fewer than half of the states conform to research-based definitions by describing bullying behavior as repetitive. In one of the largest and most comprehensive anti-bullying policy studies to date, (Hatzenbuehler et al., 2015) examined the association between existing anti-bullying policies and bullying in 25 states. The study discovered that compliance with DOE-recommended guidelines was associated with lower rates of bullying and cyberbullied. They also found that including three types of content (scope statement, description of prohibited behaviors, and requirements for districts to develop policies) reduced the overall number of bullying incidents. Research has shown that policies with overly harsh consequences in response to bullying (e.g., “three strikes and you’re out” policies or “zero-tolerance” policies) are not effective in reducing aggression or improving safety in schools. Thus, bullying policies should be crafted and revised using evidence-based strategies.

First, a scope statement describes where the legislation applies and the circumstances under which the school can act. For example, some states explicitly mention places where prohibited behavior is covered, such as on the internet or outside the school. School jurisdiction over off-campus conduct is particularly relevant to issues of cyberbullying because students often commit acts of cyberbullying outside of the school setting using their technology rather than relying on school-owned or leased computer systems. Experts, therefore, argue the need for schools to develop provisions for

responding to any off-campus speech and behavior that results in “substantial disruption of the learning environment.” (Hinduja & Patchin, 2008). The statement of scope is one of the most common components of state bullying legislation.

Second, a description of prohibited behaviors defines the behaviors considered bullying. In some cases, policies differentiate bullying behaviors from what may be developmentally appropriate teasing. Purpose statements in legislation outline the detrimental effects of bullying on students and their school environments and communicate the importance of enacting the law. The purpose statement also conveys explicit prohibitions against bullying and related behaviors. (Swearer, Limber, & Alley, 2009) found that failing to provide clear definitions of bullying also can lead to inconsistent approaches among school personnel to identification and enforcement. Third, requirements for districts to develop and implement local policies dictate the components that must be included in local policies and may set a timeline for the policy to be developed (Hatzenbuehler et al., 2015). Each of these content areas shapes a well-formed and clear policy containing actionable items and clear definitions of prohibited behaviors and determines who should implement the policy.

Beyond crafting policies, policymakers do not have much input or control over school safety. To be sure, the administrators, teachers, students, and parents have essential roles in preventing and responding to instances of violence, such as bullying, in schools. This is particularly true regarding students who belong to special populations, such as those with disabilities.

Inclusion of Enumerated Groups in Bullying Policies

Given the vulnerability of students with disabilities, teachers and administrators must be adequately trained and educated on the signs and cues of student behavior that constitute bullying behavior. 42% of state anti-bullying laws enumerate protected social classes (Hall & Chapman, 2018). Moreover, although the ADA protects individuals with disabilities from discrimination, it does not explicitly implement consequences for school-based victimization of people in this protected group. Accordingly, it is imperative to understand better how effective existing policies are in reducing bullying, particularly in the geographic South.

The enumeration of specific characteristics refers to the language in bullying legislation that conveys explicit legal protections for specific groups or classes of individuals or anyone bullied based on personal characteristics, such as physical appearance or sexual orientation. Enumeration can be used in bullying legislation to limit the legal definition of bullying to acts motivated by characteristics, or it can be used more symbolically to communicate that discrimination against certain groups will not be tolerated. Eleven states—Arkansas, Illinois, Maine, Maryland, New Hampshire, New Mexico, New York, North Carolina, Oregon, Virginia, and Washington—all prohibit bullying based on a non-exhaustive list of characteristics or attributes, in addition to prohibiting other forms of bullying behavior that are not motivated by characteristics of the target or victim.

Race, national origin, religion, sex or gender, and disability are the protected classes most frequently mentioned in state bullying laws; sexual orientation is also listed as a protected class in 14 of the 17 states with enumeration language. In states that have not yet passed bullying laws, the history of legislative activity around school bullying suggests

that the enumeration of protected groups or characteristics has been the subject of debate when drafting legislation, revealing varying perspectives on the significance and benefit of naming classes that are specifically protected under bullying laws and policies (Analysis of State Bullying Laws and Policies | Office of Justice Programs, n.d.). Proponents in favor of inclusion argue that naming groups provides a clear directive to schools to safeguard populations most vulnerable to bullying without affecting protections for other students.

Advocates have pushed for the inclusion of enumeration in state laws on behalf of lesbian, gay, bisexual, and transgender (LGBT) youths who experience high bullying victimization rates but are not legally protected under federal civil rights legislation (Anti-Defamation League, 2009). The U.S. Supreme Court, in its ruling in *Romer v. Evans* (1996), supported the use of enumeration of groups in law by arguing that it provides an “essential device used to make the duty not to discriminate concrete” (Anti-Defamation League, 2009). In the *Romer* case, the court struck down a Colorado state constitutional amendment as violating the equal protection clause. The proposed amendment forbade the state and its agencies from enacting, adopting, or enforcing laws or policies giving special legal protections to homosexuals.

Civil rights advocacy organizations researching the prevalence and reporting of bullying behaviors have found positive effects within school environments when policies contain these explicit protections for vulnerable populations. Specifically, studies have shown a lower prevalence of bullying behavior and an increased propensity to report threats or bullying acts against LGBT students when specific protections are covered under school bullying policies.

Other experts advise against including protected classes in legislation, arguing that bullying should be defined solely based on behavior and not on the characteristics of bullied students. They also argue that the highly politicized nature of the enumeration discussion often lengthens debate within state legislatures over which classes should or should not be protected in laws, delaying their enactment (Alley & Limber, 2009).

Research focusing on the victimization of children or adolescents with special needs varies in many ways. First, there are differences in student demographic characteristics and educational settings. Second, victimization prevalence rates vary by disability and behavioral factors associated with that disability.

Finally, the rates also vary depending on how bullying is measured and how students are classified as bully-victims. Current policy studies present evidence that EIPM or evidence-informed policymaking requires a framework and strategic persuasion (Farrington & Ttofi, 2008). EIPM also needs time to discern resources and create allies while taking the most effective venue and course of action. Although this is the accepted definition of EIPM, it is often too broad of a statement and needs to be less abstract.

At the federal and state level, researchers have identified numerous areas needing improvement regarding bullying policies, including the definition of bullying, bullying behaviors, appropriate responses to bullying, and groups that should be included in bullying policies. This thesis will evaluate bullying policies in five Southern US states, namely Alabama, Florida, Georgia, South Carolina, and Tennessee, focusing on analyzing the drafting of policies and identifying the terms included to protect disabled students.

Evaluating Bullying Policies in the Southern United States

Florida is another example of a state with strong accountability measures. The law makes the distribution of safe school funds to a school district contingent upon the department of education's approval of the school district's bullying and harassment policy. The department's approval of each school district's policy must be certified by the department and must be "in substantial conformity with the department's model bullying and harassment policy." Anti-bullying laws and regulations are typically composed of the following: A prohibiting statement, the definition of bullying and any other aspects of harassment, the scope in which the laws cover, the inclusion of certain protections of enumerated groups, a district policy requirement, reporting and investigating into bullying behaviors and incidents. In addition, effective anti-bullying policies should include several key components, such as clearly defined consequences for engaging in bullying behaviors, effective communication of the policy to the community and students, provision of safeguards and support for both victims and perpetrators, regular review and updating of local policies, prevention education, staff training, and parent engagement.

Not all states include every component in this list, which can have its caveats and introduces the need for further empirical and evidence-based research on the outcomes of including or neglecting to include such components. All schools that receive federal funding are required by federal law to address discrimination based on specific personal characteristics. A common element in many statutes is a requirement or encouragement that administrators develop a policy to prohibit bullying. Most states require the development of bullying policies and place the responsibility for their development on school boards (e.g., Georgia, Illinois, Louisiana, New Hampshire, New York, Oregon, Washington, and West Virginia).

Georgia

Georgia requires more comprehensive forms of education and evidence-based best practices and requires character education. The state also threatens to cut off part of the school district's general state funding for failure to comply with the bullying law. School districts are also encouraged to adopt bullying policies that require staff to report incidents of bullying they witness or are otherwise aware of. Georgia encourages school procedures that explicitly allow for the anonymous reporting of bullying incidents. Consequences, including mandatory assignment to an alternative school after three bullying offenses within one school year, are also highlighted in Federal law. Georgia provides that disciplinary consequences can or should be age appropriate and modifies the crime of disruption or interference with the operation of public schools. Georgia envisions counseling for aggressors only and not the victim of the engagement. Georgia requires a prohibiting statement, a definition, the scope, a district policy requirement, reporting and investigations, consequences, communication of policy, the review and updating of local policies, prevention education, and parent engagement. Georgia does not include or require the mentioning of protected groups within their policies, safeguards, supports, and staff training. Georgia schools that receive federal funding are required by federal law to address discrimination based on specific personal characteristics. Georgia legislators have required that "each board of education shall adopt policies, applicable to students in grades six through 12, that prohibits bullying of a student by another student" (2001, [sec]20-2-751.4(b)). The state of Georgia has also mandated that its State Board of Education include in its mandatory K-12 character education program "methods of discouraging bullying and violent acts against bullying and violent acts against fellow students" (2001, [sec]20-2-

145(a)). Some researchers, such as (Limber & Small, 2003), recommend against Georgia's lead in implementing "three strikes" or similar zero-tolerance policies. They discuss that such policies may be well-intentioned but may have unintended, adverse effects. Georgia laws also do not require districts to provide safeguards or mental health support for students involved with bullying.

Alabama

Alabama requires that bullying be motivated by differentiating characteristics without providing a list of the differentiating characteristics. Alabama specifically recognized that treating a student with disabilities involved in bullying incidents must comply with applicable special education laws. Alabama requires both character education and evidence-based best practices. Alabama includes the following components of state anti-bullying laws and regulations. A prohibiting statement, definition, scope, protected groups, district policy requirement, reporting and investigations, consequences, policy communication, safeguards and supports, prevention education, and staff training. Alabama does not require the review and updating of local policies, nor do they require parent engagement. Regarding the protections for specific groups, anti-bullying laws prohibit acts reasonably perceived as being motivated by any characteristic of a student or by the association of students with individuals with a particular characteristic. Alabama anti-bullying laws also do not create expectations for parents' involvement in addressing bullying behavior.

Florida

Contain language that all students should be treated equally under the bullying policies. Envisions counseling for both aggressors and targets. Funding sources were

established before the passage of bullying laws, but the bullying laws make the continued disbursement of those funds contingent on the school district's adoption and implementation of acceptable bullying policies. Florida policy states, "The school district bullying and harassment policy shall afford all students the same protection regardless of their status under the law." West's F.S.A. § 1006.147(4). The state refers to both harassment and bullying with separate definitions. It requires or encourages school districts to adopt bullying investigation procedures and outlines the provisions required within their bullying policies. Florida also explicitly allows for anonymous reporting of bullying incidents and the provisions required within the policy. They also require discipline due to bullying, much like many other states. They also envision providing counseling or other support services to respond to bullying and state, "A procedure to refer victims and perpetrators of bullying or harassment for counseling."

Florida also requires that school districts involve community members, including but not limited to students, parents, teachers, administrators, school staff, school volunteers, community representatives, and local law enforcement agencies in adopting the policy. Florida also requires that the school district policy mandating bullying education. They also require that professional development or training be taught to staff on bullying prevention and require provisions for bullying education or prevention programs for parents. Florida also allocates funding for discipline improvement and safe school programs contingent on districts adopting acceptable bullying policies. Florida has the following components in their state anti-bullying laws and regulations; A prohibiting statement, definition, scope, district policy requirement, reporting and investigations, consequences, policy communication, safeguards, supports, review and updates local

policies, prevention education, staff training, and parent engagement. They do not include protected groups and state that all students should be treated equally under the affecting law regardless of characteristics.

South Carolina

South Carolina requires that staff report incidents of bullying they witness or are otherwise aware of. South Carolina does not require the inclusion of enumerated groups in their policies. South Carolina also 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. South Carolina also encourages school districts to implement age-appropriate school- and community-wide bullying prevention programs.

Tennessee

Requires that counseling be offered, or other support services or referral to such services be included in the school district's policies as a possible response to an incident of bullying but leaves it ambiguous as to which students should be provided with or referred to counseling.

These statistics and analysis come from a 2012 State anti-bullying legislation review. Seeing as it is 2023, such analysis must be conducted again with updated statistics or amendments to the existing analysis to better coincide with the recent pandemic and the advancement of society.

Any acts against an individual with 'special' characteristics Are considered a hate crime and fall under special law and authority. This is known as the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act of 2009; these acts protect against hate crimes

against those based on race, color, religion, national origin of that individual, and people who have disabilities. State laws are known as the Anti-Defamation League (ADL), and as of January 2010, most states and the District of Columbia have enacted Hate crime laws. Most of those substantially follow the ADL's model hate crimes provisions, 50 which increase penalties for existing crimes (such as criminal trespass, criminal mischief, harassment, menacing, intimidation, assault and/or battery) when the perpetrator is motivated by the victim's race, color, religion, disability, national origin, sexual orientation or gender. The states differ as to which classes they protect. According to the ADL (2010), most include race, religion, and ethnicity; 30 states include sexual orientation and disability; 27 states include gender; 13 states include age; 12 states include transgender or gender identity; and five states include political affiliation.

Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act prohibit discrimination based on disabilities. In addition to Section 504 and Title II, the Individuals with Disabilities Education Act (—IDEA) and state law protect students with disabilities. These include requirements that schools follow students' Individualized Education Plans in addressing incidents and place limits on how students with disabilities are disciplined. As this non-exhaustive list makes clear, state anti-bullying laws cannot be considered in a vacuum. Instead, other legal considerations must be considered in developing policies and procedures to address bullying, including the criminal laws discussed below.

Discussion

This research focused on policy implications regarding bullying in schools specifically aimed at the inclusion or absence of enumerated terms for students who need protection. This research was conducted to highlight the policies in 5 states in the Southern U.S.: Alabama, Florida, Georgia, South Carolina, and Tennessee. This research aimed to increase awareness for these students with disabilities; the impact policies have on them in schools and possible consequences for adult life.

As stated previously, the prevalence of bullying has risen to a concerning level, given the known negative short- and long-term consequences that bullying victims face. Bullying impacts educators, administrators, parents, and students across the U.S., although the most significant impact is felt among school-aged youth (Turanovic & Pratt, 2019). Based on existing empirical research and the comparisons conducted in this thesis, it is abundantly clear that protections do exist. For example, states have passed anti-bullying legislation that extends protections to students in schools, on school buses, and even on social media (Stop bullying, 2021). Specifically, extant research demonstrates a growing need for evidence-based practices and evidence-informed policymaking (EIPM). To be sure, few evidence-based practices are included in nationwide theoretical and practical research. As a result, many questions regarding the ability of evidence-based policies to reduce bullying in schools remain.

By examining policies and what is included, a standard or “model” must be created for comparisons and interpretation at the state and district level. By doing so, the DOE can create a model policy for states and districts to follow. U.S. policies and regulations rely on schools and districts to implement and enforce these policies. It can be challenging to create policies with enumerated terms, as stated by (Alley & Limber, 2009) in their

research on the outcomes and possibilities of such terms. However, it is also the role of these schools to enforce these policies, as discussed by (Hatzenbuehler et al., 2015) in their research on proper enforcement for schools at all levels.

Even with the upcoming and current standing research, limitations still exist within policies and decisions surrounding new ones. Such limitations include hot seated debates outlined by (Alley & Limber, 2009). Furthermore, these limitations spread beyond the debates and their attached controversy. These limitations also include, as previously mentioned, discrepancies between legal terms and what is classified as harassment and bullying found in (Sacks & Salem, 2009) and their study, a lack of evidence-based procedures (Farrington & Ttofi, 2008), and the role of the school in implementing the policies (Hatzenbuehler et al., 2015).

However, further countrywide or multistate reviews must be conducted on the anti-bullying laws required by the state and empirical research of the districts within those states to further our current understanding and climate of bullying in schools. This research aimed to identify and evaluate bullying policies that include enumerated terms to increase protections for students with disabilities.

The central questions for this research were as follows:

1. “Are Policies created with inclusivity to address enumerated individuals appropriately?”
2. How do bullying prevention policies impact enumerated students in schools and beyond?”

Upon completing an analysis of policies at the state and federal level, it was discovered, as hypothesized, that implementation is variable and inconsistent across states

and districts. The research was theoretical and primarily based on existing research and an in-depth literature review to examine what currently exists. As such, the current research directs the public to the lack of cohesiveness in policymaking and the procedures surrounding their creation. Furthermore, this research has shown that students with disabilities differ from their peers and require more protection. The key findings of this thesis, alongside prior research, highlight the importance of creating inclusive policies and their beneficial impact on enumerated students in schools.

It is recommended that more Evidence-Based Practices be used when creating policies and evaluating the outcomes of such policies. Students with disabilities may be unable to vocalize their needs and injustices in school and require the assistance and help of others around them. As such, policies must require the vocalization of stakeholders within the state and districts for a more inclusive creation process for those it affects the most.

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