



Colorado Bullying Prevention and Education Best Practices and Model Policy

February 2022



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Acknowledgements

The Colorado Department of Education (CDE) would like to acknowledge those who have made the Colorado Bullying Prevention and Education Best Practices and Model Policy (Model Policy) possible. This includes the families of students in Colorado who have experienced bullying, students, community members, and educational organization members. The guidance and feedback provided by Maya Haynes, Barbara Coloroso, Amber Connet, Kati Garner, and others allow this updated Model Policy to represent the voice of all those who are impacted by bullying.

Purpose

The Model Policy was created to provide districts, families, and students with resources, tools, and a common understanding of what constitutes best practice for bullying prevention. This document includes the updated Model Policy drafted to meet the requirements set forth in Senate Bill 18-151 and describes bullying prevention best practices. As school districts are considering this model when developing their own bullying prevention policy, they are encouraged to review these best practices as well. The extensive research of approaches, policies, and practices of other state model policies has been conveyed throughout this document in an effort to support greater reductions in bullying for the students of Colorado.

History

The state of Colorado first began addressing the need for bullying prevention and education policy in the year 2000. As part of the response to the tragedy at Columbine High School, the Colorado General Assembly passed the Safe Schools Act (C.R.S. 22-32-109.1). This Act and its subsequent amendments included the requirement that each school district board of education adopt a policy for bullying prevention and education. The following summer, in 2001, the Colorado Association of School Boards (CASB) developed a sample bullying prevention and education policy for its member school districts in accordance with the amended Safe Schools Act. By the 2002-2003 school year, CDE found/verified that 100% of school districts were in compliance with the bullying prevention policy amendment to the Safe Schools Act.

In 2011, the Colorado General Assembly passed House Bill 11-1254, Concerning Measures to Reduce the Frequency of Bullying in Schools Act (C.R.S. 22-93-101). This law, in part, encouraged districts to include specific components in their bullying prevention and education policies. These components included the biennial administration of student surveys to determine the severity of bullying in their schools, character building, and the designation of a team of persons at each school who advise the administration on the severity and frequency of bullying. The School Bullying Prevention and Education Grant (BPEG) was also created through this law to, in part, support districts in meeting these components of a bullying prevention and education policy.

The Colorado General Assembly made changes to the state's anti-harassment laws (C.R.S. 18-9-111) in 2015 in response to the attempted suicide of 14-year-old Kiana Arellano. After experiencing months of cyberbullying, Kiana survived a suicide attempt in 2013 that resulted in a traumatic brain injury and paraplegia. Kiana Arellano's Law makes it a class 2 misdemeanor to cyberbully others in Colorado when the behavior rises to the level of criminal intent to harass, annoy, or alarm another person. Additionally, Kiana Arellano's Law states that cyberbullying occurs or is committed at the place where the electronic communication was either made or received.



Three years after passing Kiana Arellano’s Law, the Colorado General Assembly passed Senate Bill 18-151. The short name for the bill is Ashawnty’s Law, named for Ashawnty Davis. Ashawnty was a 10-year-old student in Colorado who died by suicide in 2017, in part, because of her experience being the target of bullying. Ashawnty’s Law tasked CDE with researching the approaches, policies, and practices related to bullying prevention and education used in other states for the purpose of developing the Model Policy to serve as guidance for Colorado school districts. The full text of Ashawnty’s Law can be found in [Appendix A](#). The Model Policy and the results of the research that informed it was first published on the CDE website on July 1, 2019 and is to be updated every three years.

In 2021, the Colorado General Assembly passed House Bill 21-1221, Bullying Prevention and Education in Schools, also known as Jack and Cait’s Law. This law is named after Jack Padilla and Caitlyn Haynes both of whom died by suicide, in part, because of their experiences being the target of bullying. Jack and Cait’s Law expands upon Ashawnty’s Law in several ways including, (1) tasking CDE with utilizing a stakeholder process, which must include participation by the parents of students who have been bullied, when updating the Model Policy, (2) requiring the model policy to differentiate between conflict, harassment, and bullying, (3) clarifying the role of cyberbullying during online instruction, and (4) requiring school districts to ensure that their bullying prevention and education policies, at a minimum, incorporate the approaches, policies, and practices outlined in the Model Policy. The full text of Jack and Cait’s Law can be found in [Appendix B](#).

Definition of Bullying

In Colorado, bullying is defined in C.R.S. 22-32-109.1(1)(b) as:

Any written or verbal expression, or physical or electronic act or gesture, or a pattern thereof, that is intended to coerce, intimidate, or cause any physical, mental, or emotional harm to any student. Bullying is prohibited against any student for any reason, including but not limited to any such behavior that is directed toward a student on the basis of his or her academic performance; or against whom federal and state laws prohibit discrimination upon any of the bases described in section 22-32-109 (1) (II) (I). This definition is not intended to infringe upon any right guaranteed to any person by the first amendment to the United States Constitution or to prevent the expression of any religious, political, or philosophical views.

To provide clarity on Colorado’s legal definition of bullying, it is helpful to consider the academic definition of bullying. School bullying researchers typically define bullying by highlighting three components that differentiate it from other forms of aggression: the behavior is intentional, repeated or likely to be repeated, and marked by an imbalance of power². The imbalance of power can be realized in several ways including an imbalance of physical, social, or socio-economic power. School bullying can occur in-person or online through the use of electronics.

Types of Bullying

There are three types of bullying: physical, verbal, and relational. Physical bullying occurs when a student is bodily harmed and includes behaviors such as hitting, kicking, spitting, or pushing. In contrast, verbal bullying can be harmful written or verbal communication such as name-calling or threatening another student. The third type of bullying is relational bullying. Sometimes referred to as social bullying, the purpose of relational bullying is to harm a student’s relationships or social status. This can include behaviors such as spreading rumors or posting embarrassing information online. Damaging a student’s property has been suggested by some researchers as a fourth type of bullying.¹ This would include acts such as theft or deleting the student’s personal electronic information.

¹ Gladden, Vivolo-Kantor, Hamburger, & Lumpkin, 2014

According to the Centers for Disease Control and Prevention, cyberbullying, or electronic bullying, is a location where bullying occurs and not a type of bullying itself.² Cyberbullying occurs when students use technology to verbally or relationally bully others. This can occur during online instruction on or off school property. For example, students may create private electronic document in which they verbally engage in bullying, then delete the file shortly after; all while appearing to be completing assignments. The lines between in-person bullying and cyberbullying can often blur. For example, physical bullying that results in a fight being recorded and posted online or the spreading of rumors using electronic means can be both in-person and cyberbullying. Other examples and resources can be found in [Appendix C](#). Often, cyberbullying occurs outside of school hours, off school property, and on personal devices. These behaviors are still within the scope of the school to respond to when it affects a student's welfare, their ability to access their education, and/or the behavior has a nexus, or connection, to the school.

Roles in Bullying

Researchers in the field of bullying prevention identify several roles that students may hold when bullying occurs: students who bully; students who are targeted; students who are both bullied and targeted; and students who witness bullying (also known as “bystanders”) as shown in Figure 1. Although these roles are commonly used in research studies, when working with students in schools, the use of labels ought to be avoided. Referring to students as a “bully” or a “victim” may lead to the incorrect belief that these labels define the individual rather than their behavior and that student behaviors cannot change. When possible, it is preferable to use language that highlights the behavior and avoids labeling the student. For example, instead of referring to a student as “the bully” one could say, “the student who bullied.”

1. Students who bully

2.

3.

4.

Figure 1. The four roles students can have in bullying.

Emerging research in the area of policy and the definition of bullying suggests that enumerating specific groups of students that are protected by state and federal law against discrimination may be beneficial. For students who identify as lesbian, gay, bisexual, transgender, questioning, and all other gender identities and sexual orientations (LGBTQ+), studies suggest that district bullying prevention policies that specifically prohibit bullying based on a student's sexual orientation and/or gender identity/expression can have a positive impact on feelings of safety³. Moreover, students identifying as LGBTQ+ report fewer incidents of harassment or assault because of their sexual orientation and gender expression when their district's policy enumerates LGBTQ+ students as a protected group. The importance of enumeration is realized to an even greater extent given the fact that prominent bullying prevention researchers suggest that to effectively address bullying in adolescents, bullying prevention policies should address homophobic epithets and name-calling.⁴

What Bullying is Not

In addition to knowing the three components that comprise bullying, it is just as important to know what bullying is *not*. Bullying is not teasing, fights between students of equal power, or conflict. When students tease one another, it is meant to be affectionate and not cause harm. Often, students who bully do not want to be caught and will claim that they are only teasing another student. Signs that indicate teasing is actually bullying include, (a) the teasing is hostile instead of affectionate, (b) the student teasing intends to hurt the student being teased, and (c) the student being teased is harmed by the behavior. Furthermore, when students of equal

² Gladden et al., 2014

³ Kull, Greytak, Kosciw, & Villenas, 2016

⁴ Espelage, 2013, 2016

power have an argument or fight, it is not considered bullying due to the fact that there is not an imbalance of power inherent in their relationship. School staff should approach intervention measures in accordance with all appropriate policies based on the type of transgression that occurs.

Conflict	Bullying
Disagreement or argument in which both sides express their views	Goal is to hurt, harm, or humiliate
Equal power between those involved	Person bullying has more power
Generally stop and change behavior when they realize it is hurting someone	Continue behavior when they realize it is hurting someone

Figure 2. The difference between conflict and bullying. Adapted from Pacer’s National Bullying Prevention Center.

Bullying vs. Conflict

Bullying is different than conflict. Conflict is a disagreement or argument between two or more people in which all sides express their views. Conflict is a natural part of human relationships as people grow and change. Conflict happens between people who hold equal power in a relationship but have different points of view. Moreover, when conflict occurs between students, both are able to express their perspectives and opinions. Those involved in a conflict usually want the issue to be resolved, to maintain a healthy relationship, and to avoid hurting the other party or parties. Figure 2 illustrates the difference between normal conflict and bullying. More detail on the differences between bullying and conflict can be found at [PACER’s National Bullying Prevention Center](https://www.pacer.org/bullying/resources/questions-answered/conflict-vs-bullying.asp)⁵.

Bullying vs. Harassment

Although bullying and harassment are often used interchangeably when talking about hurtful or harmful behavior—and the behavior may look the same—there are important distinctions in the definition, laws, and protections for students experiencing harassment.

Harassment based on a protected class—a person’s disability, race, creed, color, sex, sexual orientation, gender identity, gender expression, marital status, national origin, religion, ancestry, or need for special education services, is a form of discrimination prohibited by state and federal law. Harassing conduct may take many forms that are similar to bullying, including verbal abuse, graphic or written statements, threats, physical assault, or other conduct that is threatening or humiliating, but harassment occurs when the negative behavior is based on a student’s status or membership in a protected class. Bullying behavior becomes harassment when the negative behavior is based on a target’s status or membership in a protected class and is so severe and pervasive that it impacts a student’s ability to participate in the educational environment.

Students experiencing harassment have additional protections at the federal level and federally-funded schools are required to follow specific procedures for reporting, investigating, and resolving complaints of harassment—including a separate process for sexual harassment complaints under Title IX.

Bullying and harassment are both about:

When the bullying behavior directed at the target is also based on a protected class, that behavior may be defined as harassment and subject to process and procedures in the Board’s harassment policies. Protected classes include disability, race, creed, color, sex, sexual orientation, gender identity, gender expression, marital status, national origin, religion, ancestry, or the need for special education services, whether such

Figure 3. The difference between bullying and harassment. Adapted from Pacer’s National Bullying Prevention Center.

⁵ <https://www.pacer.org/bullying/resources/questions-answered/conflict-vs-bullying.asp>



More detail on the differences between bullying and harassment can be found at [PACER's National Bullying Prevention Center](#).⁶

CDE Bullying Prevention Resources

- For schools: <https://www.cde.state.co.us/mtss/schoolbullyingprevention>
- For students: <https://www.cde.state.co.us/mtss/studentbullyingprevention>
- For families: <https://www.cde.state.co.us/mtss/familybullyingprevention>
- Research on bullying: <https://www.cde.state.co.us/mtss/bullyingpreventionresearch>

⁶ <https://www.pacer.org/bullying/info/questions-answered/bullying-harassment.asp>