

## Appendix B

### U.S. Department of Education Response to Public Comments for “Analysis of Bullying Laws and Policies”

The U.S. Department of Education (“the Department” or “ED”) received comments from 98 individuals and 37 organizations during the 60-day public comment period for the study, “Analysis of Bullying Laws and Policies.” Twenty-five (25) civil rights, education reform, and youth advocacy organizations sent one single a set of comments that the Department received. Many of the comments that the Department received covered multiple topics. The Department’s responses are organized by specific topics rather than by commenter.

The majority of the comments were not relevant to the information collection, including 66 comments requesting the Department study the “Bullies to Buddies” program and one comment requesting the Department study the “Make Discipline Your Joy” workshop. These comments were not relevant to the information collection because this study covers the implementation of bullying policies and laws, not programs. Fourteen (14) of the comments were general in nature, including comments on personal experiences with bullying and thoughts on the enforcement of bullying laws and policies.

The relevant comments included suggestions to revise the study’s justification statement, the study’s methodology, and interview protocols. Each of these topics is discussed below. Additionally, four commenters shared their research on bullying laws and policies or requested their research be included in the Department’s study. The Department will review all of the research and cite any relevant research in the final report for this study.

#### Revise Justification Statement

Comment: The 25 organizations recommended that the Department supplement its Justification Statement with statistics about bullying and harassment of frequently marginalized students, such as women, students of color, students with disabilities, and lesbian, gay, bisexual, and transgender (LGBT) youth.

Comment: One commenter recommended that the Department include a statement in its Justification Statement about post-9/11 bias-based bullying and harassment.

ED Response: Change. The Department agrees that bias-based bullying and the bullying of marginalized students is a very important issue. The answer to Question A.1 has been revised.

#### Revise Methodology

##### *Scope of Study*

Comment: Two commenters recommended that the Department clarify what it means by “effective implementation” of policies and laws and “promising” strategies or practices.

ED Response: Change. This study is not a study of effectiveness and the Department used the words “effective” and “promising” in error. The language has been revised in Supporting Statements Parts A

and B to now state that the study objectives are: to describe and compare bullying policy implementation across local districts and school sites; to determine the factors that facilitate or impede implementation (e.g., legislation, state and local policies, and school contextual factors); and to identify lessons from the field that can inform school-based policy development and practices to promote positive climate and reduce bullying behavior.

Comment: Two commenters recommended that the Department collect quantitative data from the 24 schools. The 25 organizations recommended the Department track bullying incidents before and after implementation of any new programs. Both commenters recommended that bullying incidents be disaggregated by subgroup and the 25 organizations suggested that the Department provide a standardized form to the schools to use for reporting.

ED Response: No change. The Department had already planned to collect from school “copy(ies) of reports summarizing incident data on school bullying,” as indicated in Appendix F, School Site Materials Checklist. However, the Department declines to require schools to use a standardized form for reporting on bullying incidents or require that incidents be disaggregated by subgroup. This study is a formative assessment of how schools are implementing bullying laws and policies and the quantitative data will only be used to help tell each school’s story. The Department will collect any data a school has on bullying incidents before and after the implementation of a program, but the data will not be used to determine the effectiveness of the laws, policies, or programs.

Comment: Three commenters suggested that the Department collect specific documents from the case study schools. One suggested collecting policies addressing discrimination, harassment, hazing, discipline, and student free speech, as such policies may come into play during the resolution of a bullying incident. A second suggested that the Department collect curricula or program materials related to diversity appreciation. A third commenter suggested that the Department collect student codes of conduct.

ED Response: Change. The interview protocols include questions on staff training around bullying and bullying prevention programs for students. The Department had already planned to collect students’ codes of conduct and “copy(ies) of any training materials provided to staff.” The Department has revised Appendix F, School Site Materials Checklist to include “copy(ies) of any bullying prevention, character education, or diversity appreciation program curricula and materials”. The Department agrees that to best understand the implementation of bullying policies, it would be helpful to collect copies of other school policies that are relevant to bullying. Therefore, the Department will request “additional documents that may be used during the resolution of a bullying incident.”

Comment: Two commenters recommended that the Department include harassment in this study, in addition to bullying.

ED Response: No change. While this study specifically covers bullying laws and policies, “harassment” will be included in specific case studies if the state bullying laws or the school’s bullying policy covers harassment.

Comment: The 25 organizations recommended that the Department clarify what it means by “bullying.” The organizations note that there is no mention of “harassment” even though many state laws and policies may address them together. The organizations also note that the Department should carefully compare the bullying definitions of the case study policies.

ED Response: No change. While this study specifically covers bullying laws and policies, “harassment” will be included in specific case studies if the state bullying laws or the school’s bullying policy covers harassment. The Department intends to compare the definitions of bullying across the states, districts, and schools.

Comment: Two commenters suggested the Department use surveys to collect data on implementation of bullying laws and policies.

ED Response: No change. The Department believes that interviews are the more desirable approach for this study because of the complex processes and lack of research around the implementation of bullying laws and policies. The Department believes that a survey could be appropriate for a future data collection, though none is scheduled at this time.

Comment: One commenter suggested the Department consider as a question for the study, “How does a school district’s definition of ‘bullying’ differ from other definitions, including the department’s definition?”

ED Response: No change. The Department is in the process of developing a consensus definition of bullying with the Centers for Disease and Control and does not, at this time, have an official definition of bullying so it is not possible to address this question. The Department intends to compare the definitions of bullying across the states, districts, and schools.

Comment: One commenter suggested the Department consider as questions for the study, “Do policies differentiate between bullying and harassment?”, “What are gaps in school bullying policies?”, and “Do the anti-bullying policies provide specific protections for LGBT students, or students perceived as LGBT?”

ED Response: No change needed. The Department analyzed the definitions in states’ bullying laws and model policies and school bullying policies for the report, *Analysis of State Bullying Laws and Policies* (forthcoming Fall 2011), addressed these three questions there and will perform a similar analysis for this study.

Comment: One commenter suggested the Department consider the following question for the study, “Do district policies comply with Title IX?”

ED Response: No change. As this study is not a compliance study, the Department declines to accept this suggestion.

Comment: One commenter suggested the Department consider as a question for the study, “What best practices have emerged from schools or states addressing bullying?” Another commenter suggested that the study evaluate different definitions of bullying and determine best practices for defining prohibited bullying conduct.

ED Response: No change. As this study is not an effectiveness study, it will be unable to determine “best practices.” Instead, the objectives of the study are: to describe and compare bullying policy implementation across local districts and school sites; to determine the factors that facilitate or impede implementation (e.g., legislation, state and local policies, and school contextual factors); and to identify

lessons from the field that can inform school-based policy development and practices to promote positive climate and reduce bullying behavior.

Comment: One commenter recommended that the Department evaluate schools that claim to be bullying-free, examine teacher and administrator bullying, examine the academic success of students who bully and students who are bullied, and create a national reporting system.

ED Response: No change. All of these suggestions are outside of the scope of this study.

Comment: One commenter suggested that the Department examine the influence of local policies on state legislation.

ED Response: No change. While the Department recognizes that local policies can influence legislation, this analysis is outside of the scope of work for this study, which examines the implementation of bullying laws and policies.

Comment: One commenter suggested that the Department ask, “Who gets labeled a bully and why?” and “what alternatives to zero-tolerance policies are effective and which ones have been implemented?”

ED Response: No change. The suggested protocol questions are outside the scope of this study.

#### *Interview Subjects*

Comment: The 25 organizations recommended that the Department randomize the selection of interview participants because, if the principal decides who is selected, staff with negative views may not be selected and, even with assurances of confidentiality, staff may not be forthcoming if the principal knows who participated in the study.

ED Response: Change. The Department agrees that it is important to randomly select staff whenever possible. While this will address the commenter’s first concern, it is still likely that the principal will know which staff participated in the study, as he or she may need to help with scheduling and class coverage. The Department has revised Question B.1 to read as follows: “Interview respondents for any position where there are more school personnel than the minimum number required to complete the full set of field interviews (e.g., teachers, yard supervisors, bus drivers) will be randomly selected from a pool of potential interviewees within each position category. At each school site, a school secretary or other administrative support person will be asked to provide lists of potential interviewees within each job category and to assist with interview scheduling for selected respondents. If there is only one individual listed within a specific position (e.g., Principal, vice-Principal, SRO), the individual will be automatically recruited into the study.

Comment: Five commenters recommended that the Department speak with students to get a better understanding of how bullying policies are affecting youth. Similarly, those same five commenters and a sixth commenter recommended that the Department speak with parents to get a better understanding of how bullying laws and policies are being implemented.

ED Response: No change. While the Department agrees that parents and students could offer valuable insight on this topic, the Department determined it would not be feasible to include them in this study due to sampling and privacy concerns.

Comment: One commenter recommended that the Department interview cafeteria staff, hallway monitors, and crossing guards.

ED Response: No change. The Department has developed interview protocols for a State Educational Agency representative, a Local Educational Agency representative, school administrators, teachers, special education teachers, physical education teachers, transportation personnel, school psychologist/counselors, School Resource Officers, and yard supervisors. While the Department agrees that we could get an even fuller picture of the implementation of bullying laws and policies by speaking with additional school staff, the Department has limited time and resources for site visits and must carefully consider which staff will be able to provide the most information about the implementation of bullying laws and policies. The Department expects that interviewees will be familiar with bullying that occurs in the cafeteria, the hallways, or to and from school.

Comment: One commenter recommended that the Department interview non-school personnel who work with youth outside school hours, including community-based organizations.

ED Response: No change. While the Department agrees that non-school personnel play a key role in keeping youth safe from bullying, their role is outside of this study's scope.

Comment: The 25 organizations recommended that the Department interview Title IX (Title IX of the Education Amendments of 1972) coordinators because of their unique role in preventing and addressing sexual harassment.

ED Response: No change. While some state bullying laws and school bullying policies may cover harassment, this study specifically covers bullying and, as such, interviewing Title IX coordinators is outside of the study's scope.

Comment: The 25 organizations recommended that the Department ask the full range of questions to all staff. They believe that asking the same key questions of all staff "may reveal a difference between how the administrators think the policies are being understood and implemented and how they are actually being understood and implemented."

ED Response: No change. While the Department agrees that it could get an even fuller picture of the implementation of bullying laws and policies by asking all questions of interviewees, the Department is sensitive to the burden this study places on schools. The Department has carefully reviewed the protocols and believes that any questions that could reveal differences in administration thinking and staff implementation are, in fact, asked of both parties. The commenter was specifically concerned about the Consequences questions, and we believe it is appropriate to focus these questions on the Vice Principal and School Resource Officer.

Comment: One commenter noted that certain topics that are included in the Vice Principal protocol, but not in the Principal protocol, such as Reporting/Monitoring, Investigations & Written Records, Consequences, and Transparency & Monitoring, should also be asked of principals, especially in rural

schools. The commenter suggested “including all question topics in both forms, with an opt-out option for the principal if the vice principal is the primary authority in the school on that topic.”

ED Response: No change. The Department is aware that some schools may not divide principal and vice principal responsibilities as specified in our protocols. Interviewers will be trained to ask principals and vice principals at the beginning of their interview for the appropriate topics to discuss with each. The Department believes the division of responsibilities will be appropriate for most schools and, therefore, declines to make the recommended change.

Comment: One commenter recommended that the Department interview a school’s entire faculty and staff.

ED Response: No change. The Department has developed interview protocols for a State Educational Agency representative, a Local Educational Agency representative, school administrators, teachers, special education teachers, physical education teachers, transportation personnel, school psychologist/counselors, School Resource Officers, and yard supervisors. While the Department agrees that we could get an even fuller picture of the implementation of bullying laws and policies by speaking with additional school staff, the Department is sensitive to the burden this study places on schools. The Department believes it has correctly balanced the needs of the study and the needs of the school.

Comment: One commenter recommended that the Department interview teachers and another commenter recommended that the Department interview bus drivers.

ED Response: No change needed. The Department has developed interview protocols for teachers, special education teachers, physical education teachers, and bus drivers.

#### *Site Selection*

Comment: One commenter suggested that the site selection process take into account the level of regulation and involvement provided by the state agency, as well as the school board association.

ED Response: Change. The answer to Question B.2 has been revised to state that, “States will be selected to represent a balance of state and local discretion over school district policy formulation.”

Comment: One commenter suggested that the site selection process take into account whether laws and policies specifically enumerate protections for students based on sexual orientation and gender identity.

ED Response: Change. The answer to Question B.2 has been revised to state that, “State laws will be reviewed to ensure that the selected sample represents a mix of legislation related to handling of off-campus conduct and enumeration of certain characteristics that place students at risk of being targeted by bullying.”

Comment: One commenter recommended that the Department randomly select the school sites within each selected district.

ED Response: Change. The Department already planned to randomly select the schools within each district and this is now explicitly stated in the answer to Question B.2: “Within districts, two middle schools will be selected randomly in LEAs with more than two middle school sites.”

Comment: One commenter recommended that the Department select a cross-section of schools in terms of “urban/suburban/rural, small/large size, geographical location, private/parochial/public, and elementary vs. secondary.” A second commenter recommended that the districts be nationally representative. A third commenter recommended that the Department examine rural schools.

ED Response: No change. As the answer to Question B.2 states, “The sample of states will represent the regional diversity of the U.S. (i.e., West, South, Midwest, and East). Within each of the four identified states, school districts will be selected to represent diversity in urban-rural locale in the communities served by selected districts.” Because of the limited scope of the study, the Department decided to focus solely on middle schools serving grades 6–8 or 7–8, as research has demonstrated a peak in bullying during these years. Specifically, recent national survey data on school violence and student safety indicate that middle school administrators experience the highest frequency of disciplinary problems related to bullying in their school settings (Nieman, 2001).

Comment: Five commenters nominated their schools to be included in the study.

ED Response: No change. The Department has a sampling plan that does not include taking nominations for sites.

### *General*

Comment: One commenter recommended that the Department convene a larger expert panel that includes practitioners to review protocol questions.

ED Response: No change. The Department often convenes expert panels for studies and a panel of seven experts is typical for the Department. The panel includes a practitioner, Anne Gillian from the Massachusetts Department of Elementary and Secondary Education, as well as many researchers with expertise in the field. During this 60-day public comment period, many practitioners provided comments to the Department.

Comment: One commenter recommended the Department take into account the time of year and the time of day when scheduling case study interviews.

ED Response: No change. The Department understands that the case studies are a burden on schools and will work with the schools to find the best time to schedule interviews, including before and after school. As indicated in the answer to Question A.16, the Department expects to complete the site visits over December, January, and February. The schedule will be revised if needed to accommodate school participation.

Comment: One commenter suggested that the Department “investigate whether the 24 case study schools are located in states that make particular school funds contingent upon compliance with state anti-bullying laws.”

ED Response: No change needed. As indicated in the protocols, the Department intends to collect documents on this topic and ask each State Educational Agency representative, “Is funding contingent upon compliance with policy development or data reporting requirements? If so, describe how these determinations are made.”

Comment: One commenter noted that a sample of 24 schools is limited in scope.

ED Response: No change. The Department agrees that this study is of limited scope. However, the Department feels that this study will provide information that will aid legislators, state education agencies, districts, and schools to create better bullying laws and policies. Additionally, if the Department wishes to conduct a larger study in the future, this study will provide valuable information during the study design phase.

### **Revise Interview Protocols**

The Department received 16 comments that suggested revisions to the interview protocols. Many of the comments covered multiple sections of the interview protocols. Department responses are organized by protocol topic.

#### *Problem Definition*

Comment: Three commenters recommended that the Department ask questions specifically about bullying of LGBT students.

ED Response: No change. The primary purpose of this study is to gather information on the implementation of bullying laws and policies, not on the actual acts of bullying. The Department will ask interviewees a number of questions on defining the bullying problem including, “Are there any groups of students on this campus who are more likely to be bullied than others?” This question will allow the respondent to think critically and independently to identify groups of bullied students, as opposed to a more leading question that lists various groups.

Comment: One commenter recommended that the Department examine definitions of bullying and who defines it. Another commenter noted that “the Department’s surveys do not adequately examine how widely or narrowly schools define bullying, and how that definition addresses, prevents or reduces incidents of relational aggression.”

ED Response: Change. The Department had planned to collect bullying policies from all case study sites and compare the definitions of bullying across the states, districts, and schools. As this study is not an effectiveness study, the Department will not be able to assess how definitions prevent or reduce different types of bullying. The protocols already included the questions, “How do you recognize a bullying situation when you see one? What criteria do you apply to determine when a conflict between students should be defined as bullying? What challenges do you encounter when determining whether or not an incident constitutes bullying behavior?” The protocols will *add* the question, “What are the major features of this (bullying) policy from your perspective?” along with extensive probes to ensure clear understanding of the way respondents interpret the policy defining bullying.

Comment: One commenter noted that the following question implied that cyberbullying does not take place in the classroom, even though it can easily happen with smart phones or computers on school



property: District Representative, Consequences 10i, “How are these challenges similar or different for incidents of cyberbullying? Specifically, how has your school addressed off-campus bullying behavior that affects the school environment?”

ED Response: Change. The Department revised the protocols to include separate questions addressing cyberbullying behavior, which can occur both on and off-campus, and the enforcement of codes of conduct for off-campus bullying behavior. The protocols for the district representative, the school administrator in charge of student conduct, and the school psychologist now include the following questions: “What are some of the unique challenges associated with the identification, reporting, and investigation of cyberbullying incidents?”, “How does the district [school site] address concerns regarding rights of free speech when responding to cyberbullying behavior?”, and “Does the school enforce student codes of conduct for off-campus bullying or cyberbullying behavior that disrupts the school environment? If so, what criteria are applied to determine school jurisdiction over off-campus incidents? What are the challenges to enforcement? What are the limits of school jurisdiction over off-campus conduct? Are there any challenges associated with these limits over jurisdiction?”

Comment: One commenter suggested that the Department examine “the degree to which deviating from school-based norms results in increased experiences of bullying for students.”

ED Response: Change. The primary purpose of this study is to gather information on the implementation of bullying laws and policies, not on the actual acts of bullying. However, the Department will ask interviewees a number of questions on defining the bullying problem including, “What characteristics (e.g., sexual orientation, physical appearance, culture or cultural practices, or dating or sexual history) of individual students or groups of students in your school make them more vulnerable to bullying?”

Comment: One commenter suggested that the Department ask, “Are you encountering harassment of immigrant students? If so, how are state laws implemented in your school to prevent this specific type of bullying? Are you encountering harassment of indigenous immigrant communities? If so, how are state laws implemented in your school to address this specific type of bullying?”

ED Response: Change. The primary purpose of this study is to gather information on the implementation of bullying laws and policies, not on the actual acts of bullying. The Department will ask interviewees a number of questions on defining the bullying problem including, “What characteristics (e.g., sexual orientation, physical appearance, culture or cultural practices, or dating or sexual history) of individual students or groups of students in your school make them more vulnerable to bullying?”

Comment: Two commenters suggested the Department ask about characteristics of students who are bullied.

ED Response: Change. The Department will ask interviewees, “What characteristics (e.g., sexual orientation, physical appearance, culture or cultural practices, or dating or sexual history) of individual students or groups of students in your school make them more vulnerable to bullying?”

#### *State Model Policy Development*

Comment: One commenter suggested asking a question about the extent to which research influenced policy development at a state or local level.

ED Response: Change. The Department agrees and has revised the protocols for the State Education Agency Representative and the District Representative to include the question, “What were the most important influences shaping the development of the bullying policy?” Probes will include questions on bullying prevention research and evidence-based practices; legislation; state model policies and guidelines from your state (district protocol only); state model policies and guidelines from other states; school boards association guidelines; and other sources.”

Comment: One commenter suggested that the Department ask, “If adoption of the state model policy was encouraged, but not required, what proportion of the school districts would you say have adopted the model policy(ies) from the state school boards association?” and “What percentage of school districts would you estimate receive additional program resources/supports to facilitate policy implementation from the school boards association?”

ED Response: Change. The Department agrees this information could be interesting, but, after further review, it is not clear how this information would contribute to the study. This study is based on six schools in each of four states; it is not designed or expected to capture state-wide information. As such, the Department deleted Item 7j. from the State Education Agency representative interview, “If adoption of the state model policy was encouraged, but not required, what proportion of school districts would you say have adopted the state model as their district policy?”

#### *Development of District/School Site Policy*

Comment: One commenter suggested that the Department include questions on family and community involvement.

ED Response: No change. The protocols include questions on family involvement in the development of state, district, and school policies, as well as questions on communicating the policy and information on investigations to families. Additionally, the question on the development of district policies asks if community groups were involved in the process.

Comment: One commenter suggested that the Department collect information on the “existence of bullying policies already implemented at both the school and district level.”

ED Response: No change. The protocols already include questions on the history of policies, including the year they were developed and the impetus for their creation.

Comment: One commenter suggested revising the district representative question 5f, “Did the district choose to adopt the model policy provided by the state, only adopt some provisions, or create its own policy?” to include an option for policy(ies) created by the state school board association.

ED Response: Change. The Department agrees with the commenter about collecting this information. The Department has revised the question (now 5g.) to read, “Did the district choose to adopt a model policy provided by the State Education Agency or state school board association...?”

### *Communication*

Comment: One commenter recommended that the Department ask questions on how the schools and districts communicate the policies to staff, students, and families.

ED Response: No change needed. The protocols include questions on the method of communicating the policies to school personnel, parents, and students and discussing the policy with students.

Comment: One commenter recommended that the Department ask, “Are you aware of the various languages represented in your student populations? Are policies written and provided in languages that communities understand? Are culturally and linguistically appropriate services available to help parents through the process of filing a bullying complaint?”

ED Response: Change. The Department agrees with the commenter about collecting this information. The protocols for the district representative already included the question: “Is the bullying policy communicated to parents in languages other than English for student or families with limited English proficiency? If so, which languages?” The administrator protocols now also include this question. Additionally, the protocols for the district representative and administrator in charge of student conduct also now include the question, “Does the district [school site] provide any special accommodations for reporting or investigations to assist students and families with special resource needs (e.g. accommodations for families with low literacy or limited English proficiency, or students with disabilities)?”

### *School Personnel Training*

Comment: One commenter suggested that the Department “include questions about the use of effective bystander intervention skills, by adults and students, and document the extent to which school staff and students have been trained to do immediate, consistent intervention.”

ED Response: No change. The protocols include a number of questions about school personnel training and bullying prevention. The Department believes that these questions will address the issue of bystander intervention.

### *Prevention*

Comment: One commenter suggested that the Department investigate whether the case study schools “utilize a larger school safety framework that includes suicide prevention and other strengths-based, preventative measures, versus the utilization of punitive and consequence-driven policies that emphasize law enforcement interventions only.”

ED Response: No change. The protocols include a number of questions on bullying prevention, non-punitive consequences, and assistance for victims.

Comment: One commenter suggested that the Department examine “the degree to which school-based adults act as mentors in the lives of youth.”

ED Response: No change. The Department expects that any schools that use mentoring as a bullying prevention strategy would mention such a strategy during the interview questioning on prevention. A more general analysis of mentoring is outside the scope of this study.

Comment: One commenter suggested that the Department examine “whether students are allowed the opportunity to meaningfully participate in the creation of their own extracurricular experiences including the anti-bullying programs for their schools.”

ED Response: No change. The Department expects that administrators would mention student involvement during questioning about the bullying program selection process if students were, in fact, involved.

Comment: One commenter suggested adding a question on the effectiveness of prevention policies to the set of Prevention questions.

ED Response: No change. The Prevention set of questions includes a question for administrators, teachers, special education teachers, and school counselors that asks, “Have you observed any benefits from the school program thus far?” Because it is unlikely that respondents would be able to appropriately answer a question on effectiveness, the Department believes this question addresses the commenter’s concerns to the extent possible.

Comment: Two commenters suggested the Department ask questions on policies, strategies, programs, and practices targeting the bullying related to differences.

ED Response: No change. The Department expects that district representatives, administrators, or teacher would discuss any targeted policies, strategies, programs, or practices during questions about prevention programs.

Comment: One commenter suggested that the Department examine “whether bullying efforts utilize and intersectional approach to student identify should be taken into account.”

ED Response: No change. The Department found this suggestion unclear.

Comment: One commenter suggested that the Department collect information on the frequency of prevention efforts.

ED Response: No change needed. The protocols already include a number of questions on bullying prevention programs.

Comment: One commenter suggested that the Department examine “the extent of extracurricular offerings and whether they result in a positive community for youth.”

ED Response: No change. The Department expects that any schools that use extracurricular activities as a bullying prevention strategy would mention such a strategy during the interview questioning on prevention. The analysis of the general use of extracurricular activities to promote a positive community for youth is outside the scope of this study.

## *Reporting*

Comment: One commenter suggested that the Department examine “whether schools allow for anonymity in reporting and investigations.”

ED Response: No change needed. The Department already planned to ask administrators to “describe any mechanisms for students to report bullying problems anonymously.”

## *Investigations and Written Records*

Comment: Two commenters recommended that the Department ask questions on reporting safeguards for LGBT students in the event the students are not “out” to their families. One of the commenters recommended that the Department ask, “Does the school have safeguards in place to talk to parents of LGBT students to prevent family rejection?” Or, “Does the school offer outside resources for parents who need counseling or intervention in order to prevent further abuse of the LGBT student?”

ED Response: Change. When asking district representatives or administrators in charge of student conduct about parental notification of a complaint or investigation, the Department will also ask, “Are there any special procedures for communicating with families about a bullying incident that involves an LGBT student who may not be “out” to his or her family?”

Comment: Three commenters recommended that the Department ask questions on post-incident protocols. Specifically, one of the commenters recommended that the Department ask about procedures for notifying families, ensuring there is no retaliation, and ensuring appropriate services are provided to both bullies and victims.

ED Response: No change needed. The protocols already include questions on parental notification, investigation process, resolution, consequences, and assistance for victims.

## *Transparency & Monitoring*

Comment: One commenter suggested that the Department examine “whether measures of accountability are in place for school and district administration.”

ED Response: No change needed. The State Representative interview protocol includes a question regarding use of sanctions with school districts who fail to comply with state policy development (17i) and data reporting (19i) requirements. The District Representative interview also includes a question regarding the use of sanctions for schools who fail to comply with data reporting expectations, as well as a question regarding school enforcement of reporting expectations (e.g., mandatory staff reporting) for school personnel and possible sanctions for non-compliance (L6b).

Comment: One commenter suggested revising the State Educational Agency representative question 9d, “Does the department provide guidance to districts on how specific bullying offenses should be defined for the purposes of data reporting? If so, what are those guidelines?” to include “Does the statute define bullying? Does the state agency definition expand on, or just mirror, the statutory definitions?”

ED Response: No change. The Department intends to collect and compare state agency definitions and statutory definitions. Therefore, these questions do not need to be added to the protocols.

### *Costs to Implement*

Comment: One commenter recommended that the Department examine the role of funding in implementation.

ED Response: Change. The Department has revised the protocols for the district representatives concerning costs. The revised questions include, “Does the district receive any funding assistance from the state *or other sources* to implement bullying provisions?” and “To what extent has funding been an issue for the schools in your district in implementing anti-bullying policy?”

### *Policy Application and Effectiveness*

Comment: Three commenters recommended that the Department ask a question on the perceived effectiveness of bullying policies. One of the commenters also recommended that the Department ask questions on teachers and staff members' comfort with implementing the policy and the training they received.

ED Response: No change needed. The protocols include eight questions on administrators', teachers', and staff members' perceived effectiveness of the policy. The protocols also include questions on administrators', teachers', and staff members' perceived challenges to implementing the policy, which the Department believes will capture respondents' comfort implementing the policy. Finally, the protocols include questions for teachers and staff on the usefulness and relevance of any training they receive.

Comment: One commenter suggested that the Department ask, “How effective are general anti-bullying curricula and policies at addressing specific types of bullying such as homophobic bullying or bullying based on gender non-conformity?”

ED Response: No change. As this study is not an effectiveness study, the Department will not be able to answer this question, nor would it be appropriate to ask it of respondents. However, the Department intends to compare the definitions of bullying across the states, districts, and schools and analyses of implementation will consider the school's or district's definition of bullying.

Comment: Two commenters recommended that the Department explore the role of leadership by school boards and administrators in policy implementation.

ED Response: Change. The Department revised the district representative and administrator protocols to include the question, “How would you describe the leadership role of your local school board in supporting policy development, implementation, and enforcement of policy guidelines?”

### *General*

Comment: One commenter suggested that the Department collect information on the enforcement of bullying rules and consequences; the support for students who bully, are bullied, and witness bullying; the process to develop, adopt, and implement bullying policies; the training requirements for staff, students, and parents; and the ongoing review of policies.

ED Response: No change needed. The protocols cover all aspects of this suggestion.