
Analysis of Bullying State Laws and Policies
Supporting Statement for Paperwork
Reduction Act
Part A: Justification

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Supporting Statement for Paperwork Reduction Act

A. Justification

1. Circumstances Making Collection of Information Necessary

Bullying behavior has moved to the forefront of public debate on school legislation and policy as a significant social, educational, and public health concern. Elected officials, school professionals, and the wider public increasingly recognize bullying to be an extremely serious and often neglected issue facing youth and schools (Swearer, et. al, 2010). The intensified focus on youth bullying that has emerged over the past 12 years has been a catalyzed reaction to highly visible school violence that is often linked explicitly or by inference to bullying. The Columbine school shooting in the late 1990s was the first of several high-profile incidents of school violence that directly implicated bullying as an underlying cause (Greene and Ross, 2005.) It ignited a wave of state legislation in its aftermath that aimed to reduce bullying or mitigate its effects. This legislative trend has been further fueled by a number of recent suicide deaths among young children and adolescents who were chronically bullied at school. Termed “bullycides” by researchers and in the public media, these tragic incidents have attracted national attention to the issue (Marr and Field, 2001.) At the same time a growing body of research has consistently identified a range of serious and long-term consequences associated with bullying behavior for bullies and their victims, for bullying bystanders, and for the overall climate of schools (Nansel, et.al., 2001; Roland, 2002; Klomek, et. al. 2007; Gastic, 2008; Juvonen, 2009.) Accordingly, there is increased pressure on governments and schools to develop policies and school-based practices concerning bullying behavior.

Although estimates of bullying prevalence vary across studies, surveys measuring schools’ experiences managing bullying-related disciplinary issues suggest the problem is relatively widespread. The most recent national survey data on school violence and student safety available from the National Center for Education Statistics (NCES) measures how frequently school administrators respond to disciplinary problems related to bullying on their school campuses. According to survey findings, about 39 percent of middle school administrators and 20 percent of administrators at the elementary and high school level reported that bullying took place on a daily or weekly basis. Nineteen percent of middle schools and 18 percent of high schools reported daily or weekly problems with cyberbullying, either at school or away from school (Nieman, 2011). Additionally, students in marginalized groups often experience even higher rates of bullying. For example, the Gay, Lesbian, and Straight Education Network’s 2009 National School Climate Survey found that 85 percent of LGBT students reported being verbally harassed at school (Kosciw, et. al. 2010). As another example, the Sikh Coalition found turban-wearing Sikh students in the Queens borough of New York City experienced high rates of bullying (Sikh Coalition, 2007).

The U.S. Department of Education’s Analysis of State Bullying Laws and Policies is a new information collection request (ICR) that is necessary for understanding how state anti-bullying legislation translates into local school district policies and practices and for documenting how policies are being implemented within districts and individual school sites to reduce and mitigate problems of youth bullying.

Several recent developments regarding bullying make this data collection timely and necessary:

- a. Since 1999, there has been a surge in state anti-bullying legislation, with 46 states enacting new laws or amending existing statutes to strengthen prohibitions against bullying in their public school systems. The majority of states have legislation currently pending in their state legislatures to further address school bullying issues.
- b. The emergence of cyber-bullying as a new and complex dimension of the bullying problem has posed serious challenges to legislating or enforcing policies to reduce cyber-bullying behaviors (Hinduja and Patchin, 2011.)

- c. Acknowledgment of the impact of bullying on the well-being of youth and understanding of the problem have been evident in high level policy concerns, e.g., the recent White House Conference on Bullying Prevention, held on March 10, 2011.
- d. Knowledge about state and local implementation of bullying laws and policies will be important to new federal initiatives to promote safe schools, such as the Office of Safe and Drug Free Schools' Safe and Supportive School (S3) program.
- e. There is limited data or knowledge about implementation of bullying policy at school district and school levels has been collected.

These factors indicate a need to document and assess how anti-bullying laws and policies are being implemented in a purposive sample of states, districts, and schools.

2. Purposes and Use of Data

The U.S. Department of Education (ED) Policy and Program Studies Service (PPSS) is conducting an analysis of bullying laws and policies. Evaluation, Management and Training Associates, Inc. (EMT) is under contract with ED to conduct the analysis. The field data collection portion of the study will involve case studies conducted in 24 school sites nationwide to document state and local implementation of anti-bullying laws and policies. The purpose of the study is to describe bullying policy implementation at the district and school site level, to determine the factors that facilitate or impede implementation (e.g., legislation, state model policies, and school contextual factors), and to identify lessons from the field that can inform the development of policies and school-based practices to promote positive climate and reduce bullying behavior.

3. Uses of Technology to Reduce Burden

The information collection uses in-person, one-on-one key informant interviews to inform study findings. There is no use of technology to reduce burden; however, during interview protocol development, every effort was made to limit respondent burden.

4. Efforts to Identify Duplication

There has been a growing body of research examining trends in state anti-bullying legislation and legal implications for schools (e.g., Srabstein, Berkman, & Pyntikova, 2008; Alley & Limber, 2009); however, no large multi-state study to date has documented the implementation of bullying laws and policies at the state, district and school level to inform policy development. In March 2011, the Government Accountability Office (GAO) began a bullying study that includes examining actions and policies in eight states regarding bullying prevention. ED and GAO are working together to ensure that no duplication will result from these two studies.

5. Methods to Minimize Burden on Small Entities

The planned data collection does not involve small businesses or other small entities.

6. Consequences of Not Collecting the Data

The legislative environment governing bullying in public school systems is evolving rapidly, in part, from increasing public pressure to reduce negative impacts of bullying on youth and school climates. This changing environment creates a strong need to assess the implications of varied state legislative approaches on school anti-bullying policy, as well as a need to identify lessons that are emerging through local implementation experiences that can guide and support future policy development. If this information is not collected, ED will have an incomplete understanding of how state laws influence local policies and how policies can negatively or positively shape local anti-bullying practices within school settings. The absence of this understanding limits the capacity of ED to provide useful assistance to local school systems on how to develop anti-bullying policy and program solutions.

7. Special Circumstances

No special circumstances apply to this study.

8. Adherence to 5CFR 1320.8 Guidelines and Consultation Outside the Agency

A 30-day and 60-day Federal Register will be published in the Federal Register to provide opportunity for public comment.

The contractor has convened a seven-member panel of research and legal experts on bullying and cyber-bullying in schools to consult on the design, instrumentation, and products of the study. The purposes of such consultations are to ensure the technical soundness and user relevance of study findings; to verify the importance, relevance, and accessibility of the information sought through the field data collection; to assess the clarity of interview items; and to minimize respondent burden.

Expert panel members include the following individuals:

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9. Payments of Gifts

There are no monetary incentives for districts, schools or school personnel to participate in the study; no payments or gifts will be used.

10. Assurance of Confidentiality

The EMT study team is concerned with maintaining the privacy of interview respondents and the security of its records. The team will maintain the privacy of study participants to the extent provided by law through a variety of measures. The contractor's project staff has extensive experience collecting information and maintaining the, security and integrity of interview and survey data. The following data protection procedures will be in place:

Project team members will be educated about the sensitive nature of materials and data to be handled. Each person assigned to the study will be cautioned not to release or discuss information that identifies participants outside the study team except as required by law.

Data from the case studies and state interviews will be treated as follows: respondents' names will be disassociated from the data as they are entered into the database and will be used for data collection purposes only. As information is gathered from respondents or from sites, each will be assigned a unique identification number, which will be used for printout listings on which the data are displayed and analysis files. The unique identification number also will be used for data linkage. We will shred all interview protocols, forms, and other hardcopy documents containing identifiable data as soon as the need for this hard copy no longer exists. We will also destroy any data tapes or disks containing sensitive data.

Participants will be informed of the purposes of the data collection and the uses that may be made of the data collected. All case study respondents will be asked to sign an informed consent form (see Appendix G School and District Personnel Interview Respondent Consent Form). Consent forms will be collected from site visitors and stored in secure file cabinets at EMT offices.

We will protect the privacy of respondents who provide data for the study and assure them that we will not release information that identifies them outside of the study team except as required by law.. We will ensure that no district- and school-level respondent names, schools, or districts are identified in reports or findings, and if necessary, we will mask distinguishing characteristics. Responses to this data collection will primarily be used to summarize findings in an aggregate manner and to produce short individual case studies summarizing policies at the district and school site level. For case study reports, all information identifying individuals, school districts or school sites will be masked. We will not provide information that associates specific responses or findings with an individual district-level or school-level subject to anyone outside of the study team except if required by law.

For state-level respondents whose identity would not be difficult to determine, we will endeavor to protect the privacy of interviewee by avoiding use of names in reports and attributing any quotes to specific individuals. In reporting of case study summaries, the identity of the case study site will be masked with a pseudonym and efforts will be made to mask distinguishing characteristics.

As a matter of standard procedures, the following practices will be used to maintain the privacy of the data:

- All school identifiable information will be kept in a secured area at EMT offices;
- Data files will be encrypted or password protected.

All project staff will be trained to handle sensitive data and will obtain any clearances that may be necessary.

11. Justification for Sensitive Questions

Interview items have the potential to cause some discomfort in responding due to the sensitive nature of the subject matter. In some instances, this discomfort may be exacerbated by a respondent's personal circumstance. For example, if a respondent was directly involved in witnessing, reporting, or investigating in incident of bullying, she or he might become upset while responding to interview items. These risks, although present, are likely to be minimal and do not involve any respondent who is under the age of 18.

However, in an abundance of caution due the sensitive nature of the subject-matter, the following safeguards will be put into place:

Acquiring Informed Consent from Interview Respondents

District and school administrators, school faculty, and support personnel will be asked to read and sign a School and District Personnel Interview Respondent Consent Form (Appendix G) prior to participating in the interview process. This form will indicate the overall study background and purpose, articulate the risks and benefits of participation, and assure respondents that information identifying districts, schools, and individual participants will not be released to anyone outside of the study team except as required by law. It will also inform school personnel that their participation is voluntary, that they are not required to answer any interview question that they do not wish to answer, and that they can withdraw at anytime. Respondents will be asked to indicate 'yes' to agree to participate in the study indicating their consent. If the interview respondent changes his/her mind and wishes to discontinue the interview, they may do so without penalty.

Protecting Privacy

We will protect the privacy of district and school interview respondents who provide data for the study and will assure them that we will not release identifying information to anyone outside the study team except as required by law. We will ensure that no district- and school-level respondent names, schools, or districts are identified in reports or findings, and if necessary, we will mask distinguishing characteristics. Project team members will be educated about the sensitive nature of materials and data to be handled.

12. Estimates of Hour Burden

Information will be collected from key personnel representing state education agencies (SEA), school districts, and school sites in four U.S. states, 12 school districts, and 24 middle school sites. Interviews with SEA representatives will be conducted by telephone prior to the scheduled dates of field visits to districts and school sites and will involve a semi-structured interview process. Total burden associated with participation in telephone interviews for the SEA representatives is estimated at 45 minutes per respondent, or 3 total hours for SEA representatives.

Interviews with local education agency (LEA) representatives will include semi-structured, telephone interviews and completion of a brief 16- to 20-item, closed-item survey questionnaire. The survey form will be distributed electronically as a .pdf form and will be collected by e-mail prior to the scheduled interview date. Total burden for LEA representatives associated with completion of the survey form and participation in telephone interviews is estimated at 43 minutes per respondent, or approximately 9 total hours for LEA representatives.

Data collection involving school site personnel will include the administration of a paper-and-pencil version of the 16- to 20-item, closed-ended survey questionnaire followed by participation in a semi-structured interview process. Interviews will be conducted with key school site personnel including Principals, Vice-Principals, teachers, school counselors or psychologists, yard supervisors, bus drivers or other school transportation personnel, and school resource officers. School secretaries or administrative assistants will be asked to support coordination of interview scheduling at each school site.

State and district representatives will also be asked to support the recruitment of school districts and school sites by providing letters of support based on a sample template. Total burden associated with recruitment support was estimated at 30 minutes per person, or 2 hours for SEA representatives and 6 hours for LEA representatives.

Two-day site visits will be conducted by two-person field teams over a six-week time period. Interviews at each school will be conducted with a sample of school personnel, including the (1) Principal and Vice-Principal, (2) six teachers or teacher aides, including a special education and physical education instructor, (3) a school counselor or school psychologist, (4) two yard supervisors, (5) two bus drivers or other transportation personnel, and (6) one school resource officer for schools in districts that support these positions.

Total burden for school site personnel includes estimates of time spent by school administrative support personnel coordinating site visit schedules, and time spent by school site staff completing brief survey forms and participating in semi-structured interviews. Total burden for school administrative support staff was estimated at 1 hour per site, or 24 total hours. School administrator burden (Principals and Vice-Principals) associated with interview participation was estimated at 58 minutes per administrator for a total of approximately 46 hours across the 24 study sites. Teacher burden associated with this activity is estimated at a maximum of 43 minutes per teacher for up to six teachers or teacher aides per site, resulting in a total burden of approximately 103 hours. Total burden for other on-site school personnel, including school counselors, yard supervisors, transportation personnel, and school resource officers was estimated at 89 total hours. Total burden per school site is estimated at 11 total hours.

Table 1 shows the total burden calculation for information collected by category of study participant. The total in hours for SEA and LEA representatives, school administrators, teachers, and other school site personnel interviews, and for recruitment support and coordination of site visits is 284 total hours (or 17,016 minutes). The hourly burden breakdown is as follows:

Table 1
Total Estimated Burden in Hours

	Total per Site (A)	Total Respondents (B)	Time in Minutes (C)	Total Time in Minutes (B x C)	Total Time in Total Hours
State Education Agency Representative	--	4	45	180	3
State Education Agency Representative (Recruitment Support)	1	4	30	120	2
Local Education Agency Representative	--	12	43	516	9
Local Education Agency Representative (Recruitment Support)	1	12	30	360	6
School Secretary/Administrative Assistant (Site Visit Coordination)	1	24	60	1,440	24
Principal	1	24	58	1,392	23
Vice Principal	1	24	58	1,392	23
Teachers/Teacher Aides	6	144	43	6,192	103
School Counselor or School Psychologist	2	48	43	2,064	34
Yard Supervisor	2	48	28	1,344	22
School Resource Officer	1	24	28	672	11
Transportation Personnel/Bus Driver	2	48	28	1,344	22
Total Burden	--	400	--	17,016	284

Note: Rows may not add to total due to rounding of values.

13. Estimate of Cost Burden to Participants

Data collection for this study will not result in any additional capital, start-up, maintenance, or purchase costs to respondents or record keepers. Therefore, there is no direct financial burden to respondents other than that discussed in section 12.

14. Estimate of Annual Cost to the Federal Government

The total contract award to EMT Associates, Inc. for the field portion of the study (Task 5) is \$297,320 over a 15-month period (April 2011-July 2012) or approximately \$237,856 per year. This includes the development of data collection protocols, field data collection, data analysis, and report preparation.

15. Program Changes or Adjustments

The program change is a request for a new data collection.

16. Plans for Tabulations and Publication of Results

Table 2 presents the time schedule for conducting sites visits to districts and individual school sites and for the publication of study results. The proposed timeline assumes an OMB clearance date of early November.

Table 2
Data Collection and Reporting Tasks and Timelines

Tasks	Timeline
Contact state education agencies to schedule interviews and request recruitment support	Nov 2011
Recruitment of school districts and school sites and schedule site visits	Nov–Dec 2011
Conduct field visits to (24) school sites	Dec 2011–Feb 2012
Analyze site visits	Jan–Feb 2012
First Draft Report on Implementation of State Bullying Laws	Apr 2012
Final Draft Report on Implementation of State Bullying Laws	Sept 2012

Field visits for the implementation evaluation will be conducted across four states, 12 school districts, and 24 school sites and will involve interviews with key state, school district, and school personnel. The interviews will be guided by a semi-structured, exploratory interview protocol that uses broad questions and a common set of follow-up probes to organize the data into a common structure. The data collection will also involve (a) the administration of a brief survey on the prevalence and nature of bullying behavior that will be administered at the initiation of each interview, and (b) a review of documents (e.g., school incidence data, district policies) collected from each school site.

The implementation evaluation will proceed through a series of nested, exploratory analyses that will describe findings within schools and districts and within states, and will summarize findings across states. Information collected through interviews, surveys, and review of documents will be synthesized into a comprehensive set of summaries at the school site, district, within-state, and cross-state level.

- *School Site Summaries*

The individual respondent samples in each site are designed to support documentation and description of similarities and differences in the way that a broad range of school administrators, teachers and staff perceive and implement policy and practices relevant to bullying. As part of the data analysis process, the site visit team will complete a single site visit protocol that summarizes each of the major topics and questions included in the individual interviews. The site level summary also incorporates information derived from the interviews, from brief questionnaires administered at the time of the interviews, and from additional sources (e.g., from coded documents and records that will be requested during the process of organizing and carrying out the site visits). The following questions are examples of the kind of information that will be provided in school summaries.

- How well informed are teachers and other school staff concerning school policy and procedures concerning bullying? Do they understand their responsibilities within the policy? What, if any, are the differences in understanding across different teacher and staff groups?
- How much and what kind of training or guidance have teachers and other school staff received concerning school policy and procedures concerning bullying? What, if any, differences are reported concerning training across different teacher and staff groups?
- How often have teachers and other school staff taken action under the policies? What have been the successes and challenges they have experienced? What, if any, are the differences in experience across different teacher and staff groups?
- What kinds of bullying incidents are perceived as most prevalent and serious by teachers and other school staff? How does this relate to their exposure to different parts of the school environment? What, if any, differences in perception exist across different teacher and staff groups?

- *School District Summaries*

Additional brief summaries will be prepared at the district level. The data used in these summaries will include documentation (e.g., district policy and guidance documents, district records and data concerning bullying), an interview with a district representative, and school profiles. District summaries will focus on questions such as:

- What is district policy (using the key elements and criteria developed in the analysis of state legislation and model policies)? What guidance is given to schools regarding policy?
 - How well do the school summaries in the district reflect district policy? What are the notable discrepancies if any?
 - How similar are the school practices, including perceived successes and challenges, as represented in school summaries?
 - Are there any clear differences in school environment (e.g., community type, student body, school characteristics such as size or leadership) that may be notable in understanding differences? If so, the potential issue will be explained.
- *Within State Summaries*

State summaries will be more extensive, focusing on the major patterns of similarity and difference in implementation across districts and schools. The data used in these summaries will include documentation (e.g., summaries and ratings of state policy in the state legislation and policy analysis, additional state documentation that may be provided, state data on bullying and bullying disciplinary actions, interview with an SEA representative, and district and school summaries. State summaries will focus on questions such as:

 - What are the major features of state legislation and policy? Particular emphasis will be placed on issues of state and district interaction, e.g., how much discretion is given to districts in setting bullying policy? ... to schools? What are procedural and reporting requirements? Is district policy (using the key elements and criteria developed in the analysis of state legislation and model policies)? What guidance is given to districts and schools regarding policy?
 - To what degree are components of state legislation reflected in school policy and implementation practices as reported by interviewees? Which components are challenging to districts / schools? Why? How much variation in the degree to which state policy components are reflected in policy and practice is there between districts? ... between schools? What school characteristics are associated with these differences?
 - Are there any clear differences in district or school environment (e.g., community type, student body, school characteristics such as size or leadership) that may be notable in understanding differences in any of the above areas? If so, the potential issue will be explained.
 - *Summaries Across States*
 - A concluding analysis will review and summarize similarities and differences across states, including characterization of the degree of difference between school implementation within states and what policy or context issues may be associated with those differences. This cross-state summary will a) identify general patterns of guidance or challenge associated with policy attributes, b) identify other influences (opportunities or challenges) that characterize school level policy and practice (e.g., district level guidance and support), and c) identify issues that are important for further monitoring, assessment, and recommendations.

EMT will present a cross-site summary report on the implementation of state bullying laws and policies and will produce individual case study reports specific to each study site. In preparing the cross-site analysis summary, we will analyze interview data using the described qualitative and quantitative analyses to understand how anti-bullying policies are being implemented within local school districts and school settings, to assess the relationship between state legislative environment and local policy implementation, and to identify emerging policy recommendations based upon school and district implementation experiences.

In drafting the report on implementation of state bullying laws and policies, EMT will prepare an outline of report contents. The contents will include, but are not limited to, the following:

1. Executive summary
2. Study purpose
3. Research methodology
 - a. Interview development
 - b. Data collection procedures

c. Analysis methods

4. Results from the interviews of state and local education agency representatives and school faculty and staff.
5. Implications of study findings and future directions.

The report on implementation of state bullying laws and policies will include results for the entire project based on the original study plan and any subsequent modifications to the plan agreed-upon by ED. The report will also include a description of the methodology employed, findings, and implications. The report will include an executive summary in non-technical language, which will be appropriate for a wide range of audiences. The report on implementation of state bullying laws and policies will be provided in three formats: camera-ready copy, Microsoft Word®, and a copy compatible with PPSS's Website formatting.

17. Approval to Not Display OMB Expiration Date

All data collection instruments will display the expiration date for OMB approval.

18. Explanation of Exceptions

No exceptions are requested.

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