



# VIEW*S* & VISIONS

A publication of Bowles Rice LLP

Fall 2013



## Bullying: Erasing an Epidemic

Kimberly S. Croyle, Partner  
Bowles Rice LLP

Kimberly S. Croyle is a partner in the Morgantown, West Virginia office of Bowles Rice. Although much of her current practice is focused in the areas of energy and real estate law, she is highly regarded for her significant experience in education law.

As a result, Ms. Croyle continues to offer advice and guidance to school boards throughout the state on education law issues, including bullying and harassment, special education issues (IDEA), §504 accommodations, personnel matters, Title IX, FERPA, Title VII, the ADA and general school laws. She also provides assistance to boards of education in formulating policies and providing in-service training to faculty and staff.

She served as co-chair of the successful Citizens for Schools 2012 campaign in Monongalia County, West Virginia, which resulted in the overwhelming approval of a five-year school excess levy.

Ms. Croyle frequently appears on behalf of her clients before the West Virginia Public Employees Grievance Board; at due process hearings and mediations; in state and federal court; and before the Supreme Court of Appeals of West Virginia.

She is recognized by *Best Lawyers in America* in the area of Education Law.

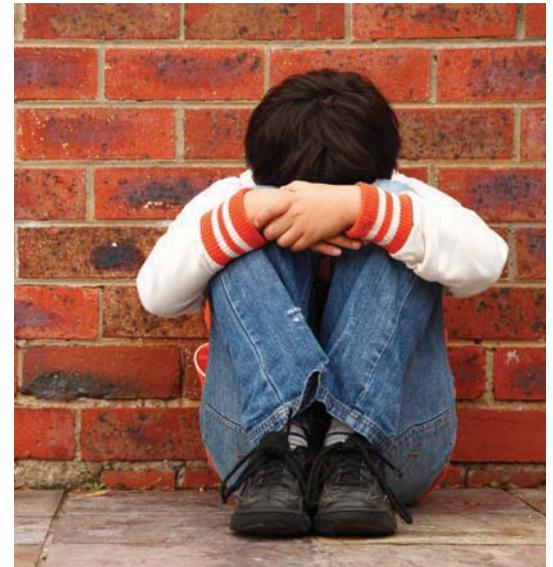


If you were asked to close your eyes and remember a time when you were bullied as a child or young adult, what would you see? When confronted with this question, most people are able to conjure up a vivid memory, often seeing in their mind's eye each pixel in vivid detail – where it happened; what was said; what they were wearing; who was involved; and, most vividly, how they felt. If the bully walked through your door today, would your heart beat just a little faster? Is this memory stronger than what you got for your birthday two years ago? For most people, the answer is a resounding yes. With the indelible memories that bullying provokes, is it wishful thinking to believe that bullying will cease to exist by the year 2025? What will change during the next 12 years to erase an epidemic that stretches back decades?

To find the answer, I went to the experts – in this case, 9-year-olds – to ask them if they thought there would be no more bullying by the time they graduated from high school. To my surprise, I received a resounding yes to my question.

When asked why they thought that, the children explained “everyone learns in school what bullying is and what to do to stop it.” In their minds, bullying would only occur in those rare instances when someone, who had not learned about bullying, came to the school.

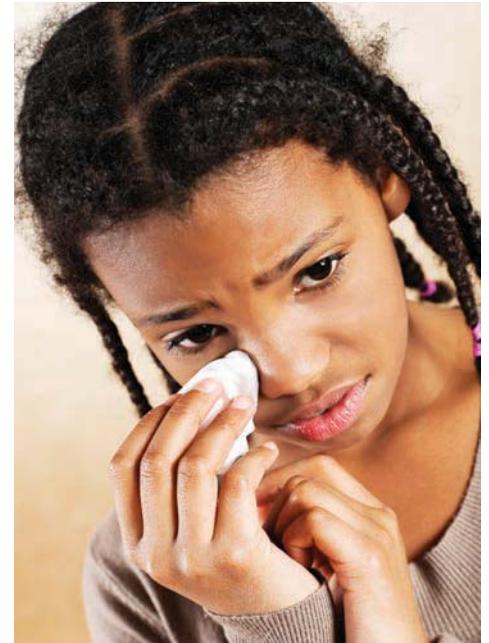
Apparently, the United States Department of Education agrees. An August 20, 2013 letter, issued by the



United States Department of Education Office of Special Education and Rehabilitative Services, indicates that “a growing body of research on promising school bullying interventions... can inform practice.” The letter cites research during a 25-year period that “found that school bullying prevention programs led to changes in knowledge, attitudes and self-perceptions of those targeted by bullying, engaging in bullying and bystanders.”

**“Each individual, each classroom, each school and each school district must be committed to the prevention of bullying.”**

Another study showed that effective school-based programs, characterized by critical practices and strategies, were often effective in reducing bullying. In other words, anti-bullying programs “should be embedded within a comprehensive, multi-tiered behavioral framework used to establish a positive school environment, set high



academic and behavioral expectations for all students, and guide delivery of evidence-based instruction and interventions that address the needs of students...”

How do we create a positive, safe and nurturing environment for students? Certainly, a one-size-fits-all program will not work. Each individual, each classroom, each school and each school district must be committed to the prevention of bullying. As explained by the Department of Education, “[d]ata-based decision making would be used to identify needs, analyze problem situations, outline clear evidence-based practices to be used in delivery of instruction and implementation of interventions, and monitor progress toward clear, positive academic and behavioral outcomes as part of an ongoing, continuous improvement model.” Because

it is behaviorally based, such a model applies across all settings, from a confrontation in a locker room to a Twitter feed.

As parents and grandparents, will we collectively hold our breath and hope that the model unfolds, or will we demand that our schools adopt and embrace evidence-based practices to ensure that all children receive meaningful education benefits? Our response will determine whether our children and grandchildren, when asked as adults, will find it easier to recall a past birthday gift than an encounter with a bully. ▽

