

# Kentucky Youth Bullying Prevention Task Force Report

Presented  
October 20, 2015







October 20, 2015

The Honorable Steven L. Beshear  
Governor  
Commonwealth of Kentucky  
State Capitol  
700 Capital Avenue  
Frankfort, KY 40601

Dear Governor Beshear:

On behalf of the Governor's Task Force on Youth Bullying Prevention, we present to you the Task Force's final report.

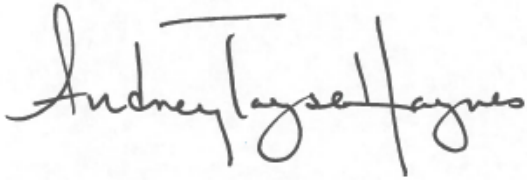
Over the past year, the Task Force has engaged with stakeholders from across the Commonwealth and the nation to learn more about the complex problem of bullying, which has a significant impact on our children, families and communities. Between October 2014 and July 2015, the Task Force convened six times as a full committee and our workgroups held several additional meetings. During our Task Force meetings we hosted national experts who shared their experiences in other states and evidenced best practices and policies; we also heard from local practitioners, parents, business leaders, school officials and many other interested stakeholders.

When you established the Task Force, you called upon each of us to consider that "no child should be so discouraged by bullies that he or she avoids school or withdraws from friends or activities." Over the course of these nine months, what we learned is that bullying is not just a problem that exists within school walls. Though largely perceived as a school issue, bullying happens both within and outside of school grounds and school hours and its impacts can be felt by young people, families, schools and communities. Simply put, ***bullying is a public health issue.***

Equipped with this knowledge, the four recommendations of the Task Force are built on the premise that to comprehensively address the issue of bullying, the Commonwealth must recognize it as a community-wide public health matter, rather than a school-specific one. In turn, a comprehensive public health approach that addresses the health, safety and well-being of entire populations is our choice to tackle this problem. As with many issues our children and communities face, there is no single solution or magic formula, but there is public support for creating safer schools and safer communities for our families to live, learn and thrive.

As co-chairs of the Bullying Prevention Task Force, we wish to thank the members for their time, commitment and thoughtful consideration to each of these important recommendations. It is our hope that the next Governor of this great Commonwealth and the General Assembly will take action as they convene in January 2016. Also, we wish to express our thanks to you, Governor, for bringing this important public health issue to the attention of all Kentuckians.

Respectfully,



Audrey Tayse Haynes  
Secretary  
Cabinet for Health and Family Services



Terry Holliday, Ph.D.  
Commissioner (Former)  
Department of Education



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## Executive Summary

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Recognizing that bullying is a serious health and safety issue in the Commonwealth, Governor Steven L. Beshear established the Kentucky Youth Bullying Prevention Task Force (“Task Force”) by executive order in September 2014 to convene a diverse group of Kentuckians from private and public sectors to find ways to make schools and communities safer and healthier by developing recommendations based on proven comprehensive bullying prevention strategies that, if implemented, will lead to safer schools and communities.

Though largely perceived as a school issue, bullying happens both within and outside of school grounds and school hours and its impacts can be felt by young people, families, schools, and communities. Through the presentations provided by national and local experts, Task Force members quickly recognized that to comprehensively address the issue of bullying, the Commonwealth must recognize it as a community-wide public health issue, rather than a school-specific one and, in turn, use a public health approach in its efforts to tackle the problem.

The Task Force was charged with reviewing existing laws and regulations and to advise the Governor and the General Assembly on effective and comprehensive policies related to bullying prevention to ensure the safety of all students throughout the state, whether in school or in the community.

To address bullying as a public health issue, the Task Force developed the following recommendations:

1. The statewide adoption of a formal definition of bullying to help youth, parents, educators, and administrators differentiate between bullying behavior and other types of unwanted behavior for the purposes of prevention, reporting, data collection, referral, and intervention;
2. The Department of Education continue its support for the adoption of evidence-based standards and programs supporting a positive climate and culture within schools and recommends that all school districts also adopt and implement standards, programs and metrics related to school culture and climate that are evidence-based;
3. School districts, as a preventive measure, invest in and support mental health counselors at the local school level; and,
4. The Governor, in partnership with the General Assembly, establish and fund a sustainable state-level agency or office that both coordinates and supports community-driven efforts to promote bullying prevention and community programs.

## Introduction

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In 2013, the Kentucky Department of Education reported 15,520 incidents of bullying during the 2012-13 school year, translating to an alarming rate of one bullying incident every four minutes. In that same year, over 21 percent of students in the Commonwealth reported being bullied on school property.<sup>1</sup>

Bullying is a form of youth violence and can result in physical injury, social and emotional distress, and even death. Bullied youth are at increased risk for mental health problems such as depression and anxiety, psychosomatic complaints such as headaches, and poor school adjustment. Youth who bully others are at increased risk for substance use, academic problems, and violence later in adolescence and adulthood. The ultimate goal is to stop bullying before it starts.<sup>2</sup>

Since its establishment, the Task Force has engaged with stakeholders from across the Commonwealth and national experts to learn more about the complex problem of bullying, which has significant impact on children, families, and communities. Between October 2014 and July 2015, the Task Force convened six times as a full committee, and several additional times in smaller sub-committees, consulted national experts, local practitioners, and stakeholders directly impacted by bullying. (See Appendix B for a complete list of meeting dates, locations and presenters.)

Through the presentations provided by experts, Task Force members quickly recognized that to comprehensively address the issue of bullying, the Commonwealth must recognize it as a community-wide public health issue, rather than a school-specific one; and in turn, use a public health approach in its efforts to tackle the problem. The public health approach addresses the health, safety and well-being of entire populations. A unique aspect of this approach is that it strives to provide the maximum benefit for the largest number of people.<sup>3</sup>

Though largely perceived as a school issue, bullying happens both within and outside of school grounds and school hours and its impacts can be felt by young people, families, schools, and communities. More than just “kids being kids” or a “rite of passage,” bullying is a **public health** issue. This is true for a variety of reasons, but most importantly because bullying is prevalent and it is harmful.<sup>4</sup> As reported in the Centers for Disease Control and Prevention’s Youth Risk Behavior Surveillance report, between 20 percent and 56 percent of young people are involved in bullying annually. According to a wide variety of literature, people who are bullied are more likely to have low self-esteem, feel isolated, perform poorly and have few friends in school, and experience both physical (headache, stomachache, etc.) and mental (anxiety, depression, etc.) health problems.<sup>5</sup>

To address a public health issue, the Centers for Disease Control and Prevention (CDC) recommends using a four-step approach, rooted in the scientific method, to address bullying. It is with this framework that the Task Force has developed and organized its recommendations:

- Step 1: Define and monitor the problem
- Step 2: Identify risk and protective factors
- Step 3: Develop and test prevention strategies
- Step 4: Ensure widespread adoption

This approach aligns closely to, and in some instances, overlaps with the U.S. Department of Education’s approach to addressing bullying. The areas of overlap include monitoring and tracking the problem (similar to Step 1), create policies (similar to Step 3), and training (similar to Step 4).

## Recommendations

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### STEP 1: DEFINE AND MONITOR THE PROBLEM

The first step of the public health approach is to define and monitor the problem. Despite the Commonwealth having more than 15 statutes in place that are associated with or approach the issue of bullying (see Appendix C for complete list), bullying is not statutorily defined in Kentucky. There is, and has been, other legislative, regulatory and policy responses to bullying in the Commonwealth. The closest Kentucky comes to directly defining and prohibiting bullying is prohibiting harassment in schools, through KRS 525.070. (See inset for complete text.)

#### **525.070 Harassment**

- (1) A person is guilty of harassment when, with intent to intimidate, harass, annoy, or alarm another person, he or she:
- (a) Strikes, shoves, kicks, or otherwise subjects him to physical contact;
  - (b) Attempts or threatens to strike, shove, kick, or otherwise subject the person to physical contact;
  - (c) In a public place, makes an offensively coarse utterance, gesture, or display, or addresses abusive language to any person present;
  - (d) Follows a person in or about a public place or places;
  - (e) Engages in a course of conduct or repeatedly commits acts which alarm or seriously annoy such other person and which serve no legitimate purpose; or
  - (f) Being enrolled as a student in a local school district, and while on school premises, on school-sponsored transportation, or at a school-sponsored event:
    - 1. Damages or commits a theft of the property of another student;
    - 2. Substantially disrupts the operation of the school; or
    - 3. Creates a hostile environment by means of any gestures, written communications, oral statements, or physical acts that a reasonable person under the circumstances should know would cause another student to suffer fear of physical harm, intimidation, humiliation, or embarrassment.

Kentucky stands almost alone in this: a review of state bullying legislation conducted in 2011 by the U.S. Department of Education<sup>6</sup> revealed differences in the terms used to define bullying and harassment and in how bully laws were framed. The report demonstrated that at the time of review, 17 states used the terms “bullying, harassment and intimidation” synonymously in their legislation and 14 states referred to “bullying” exclusively in legislative statutes. Only two states, Kentucky and Alabama, prohibit harassment without any mention of bullying.

While it might seem unnecessary to distinguish bullying from harassment, Dr. Deborah Temkin from the organization Child Trends, a national nonprofit, nonpartisan research center based in Maryland, addressed this issue in her presentation to the Task Force on October 22, 2014, indicating that the two terms are not synonymous, but the behaviors do overlap.<sup>7</sup> Other experts point to the importance of distinguishing bullying from other types of aggression, specifically because the unique characteristics of bullying included in

many definitions, such as repeated aggression and a power imbalance favoring the aggressor, may make bullying more harmful to experience than similar forms of aggression without these characteristics.<sup>8</sup>

In 2008, the Kentucky State Legislature passed House Bill 91, known as The Golden Rule Act. (See Appendix D for complete text of HB 91.) Although the word "bullying" is not mentioned in the name of this legislation, it has similarities to other states' anti-bullying legislation. Briefly, HB 91 requires the Kentucky Department of Education to provide guidance to local school districts to assist with the implementation of the law at the local level, to provide "model policies" (e.g. bullying, student discipline code, reporting of code violations, supervision of students, etc.) to school districts, and to provide an annual statistical report on the number and types of incidents of violence or assault against students, among other data.

The federally recognized definition of bullying is "unwanted, aggressive behavior among school aged children that involves a real or perceived power imbalance. The behavior is repeated, or has the potential to be repeated, over time."  
Source: StopBullying.gov

Without a common definition, it can be challenging to determine what is and what is not bullying behavior. A definition is essential to the implementation of effective bullying policy, prevention efforts and interventions. **The Task Force recommends the statewide adoption of a formal definition of bullying to help youth, parents, educators and administrators differentiate between bullying behavior and other types of unwanted behavior for the purposes of prevention, reporting, data collection, referral and intervention.**

The following recommended definition is closely aligned with the federal definition (see inset):

*Bullying is unwanted verbal, physical, or social behavior among school aged children that involves a real or perceived power imbalance. The behavior is repeated, or has the potential to be repeated, over time and can happen anywhere.*

Although various definitions of bullying can serve different purposes (e.g. legislative, political, legal, policy-driving), establishing a uniform definition supports "the consistent tracking of bullying over time, facilitates the comparison of bullying prevalence rates and associated risk and protective factors across different data collection systems, and enables the collection of comparable information on the performance of bullying intervention and prevention programs across contexts,"<sup>9</sup> all of which are efforts and/or activities from which Kentucky and its youth could benefit.

## **STEP 2: IDENTIFY RISK AND PROTECTIVE FACTORS**

The second step of the public health approach calls for the identification of both risk and protective factors. There are factors that both put young people at risk of and/or protect them from bullying just as there are factors that put young people at risk of and/or protect them from bullying others. Identifying these factors help schools and communities build effective prevention and intervention strategies.

According to the CDC, risk factors are characteristics that increase the likelihood of a person becoming a victim or perpetrator of violence. Protective factors are characteristics that decrease the likelihood of a person becoming a victim or perpetrator of violence because they provide a buffer against risk.<sup>10</sup>

For example, studies indicate that youth who bully others tend to display other defiant behaviors, have poor school performance, and are more likely to drop-out of school, and/or bring weapons to school.<sup>11</sup> As has already

been established, youth who are bullied are more likely to have low self-esteem, feel isolated, perform poorly and have few friends in school, and experience both physical (headache, stomachache, etc.) and mental (anxiety, depression, etc.) health problems. Furthermore, youth who are victims of bullying and who also bully may exhibit the poorest functioning, in comparison with either victims of or perpetrators of bullying.

In the late 1990s, Kaiser Permanente, in collaboration with the CDC, conducted the Adverse Childhood Experiences (ACE) Study, one of the largest investigations ever conducted to assess associations between childhood maltreatment and trauma with later-life health and well-being. More than 17,000 participants provided “detailed information about their childhood experience of abuse, neglect, and family dysfunction.”<sup>12</sup> Findings of the study suggest that “certain experiences are major risk factors for the leading causes of illness and death as well as poor quality of life.” What was learned from the ACE Study was that nearly two-thirds of adults have at least one adverse childhood experience and that if a person has one, there is an 87 percent chance that they have two or more, which can lead to increased likelihood of bullying or being bullied.

The Task Force learned about the ACE Study and its relationship to Kentucky from Dr. Ruth Shepherd, of the Kentucky Department for Public Health, in her presentation in February 2015. Dr. Shepherd reported that 55 percent of Kentucky’s children and youth have had at least one adverse childhood experience, and over half of those children and youth have had two or more adverse experiences.<sup>13</sup> This means that, at any given time, over half of the students in our classrooms and young people in our communities are dealing significant factors that may be putting them at risk of bullying.

With a better understanding of the factors that place youth at risk of bullying, the Commonwealth can begin to test prevention strategies. In the third step of the public health model, programs and policies are implemented and evaluated to determine “what works” to prevent bullying. What the Task Force learned from Dr. Temkin, however, is that most efforts to combat bullying, specifically in schools, are focused on reacting to bullying, rather than on preventing it. She went on to suggest that to truly prevent bullying, schools and their students’ families must work together to create the environments that help students form healthy relationships.

The goal of prevention is to decrease risk factors and increase protective factors, therefore, **the Task Force recommends the Department of Education continue its support for the adoption of evidence-based standards and programs supporting a positive climate and culture within schools and recommends that all school districts also adopt and implement standards, programs, and metrics related to school culture and climate that are evidence-based.** Furthermore, the Task Force recommends that Comprehensive School Improvement Plans include a component that addresses bullying prevention and intervention.

The Kentucky Department of Education has been a supporter of evidence-based standards and programs that promote positive climate and culture within schools that both support learning and simultaneously has the potential to prevent bullying behavior. The Task Force recommends KDE continue its support by encouraging schools’ adoption and implementation of evidence-based standards, programs and metrics that support a positive school climate and culture to be reflected as a component in the Comprehensive School Improvement Plan (CSIP). Each school in Kentucky is required to submit a CSIP to KDE that is updated annually. The process focuses school and district improvement efforts on student needs by bringing together all stakeholders to plan for improvement, by focusing planning efforts on priority needs and closing achievement gaps between

subgroups of students, by building upon school and district capacity for high quality planning, and by making connections between the funds that flow into the district and the priority needs in schools.

The CSIP is used as a “roadmap” for continuous improvement on both academic and organizational goals through school-identified strategies, aligned to state strategies, which include evidence-based strategies such as the “pyramid of interventions” and “positive behavior interventions and support” (PBIS). PBIS aims to develop and maintain a safe and supportive school environment that can help all children succeed in school. This framework relies on positive and proactive supports rather than punitive and reactive discipline to promote socially responsible behavior. According to Dr. Ginny Sprang, Executive Director, Center on Trauma and Children at the University of Kentucky, who presented to the Task Force in February 2015, the aim and approach of PBIS can be reinforced by understanding the principles of Trauma-Informed Care. This perspective can help inform PBIS implementation with the recognition that trauma-affected students who misbehave need safety and security in order for them to adopt more acceptable behaviors. Currently, however, PBIS is an optional component that schools can elect to include in the CSIP, and the Task Force recommends inclusion of a component that addresses bullying prevention and intervention as a standard element of the CSIP.

### **STEP 3: DEVELOP AND TEST PREVENTION STRATEGIES**

**The Task Force recommends that school districts, as a preventive measure, invest in and support mental health counselors at the local school level.** To support this, the Task Force also recommends the Kentucky Department of Education and the Cabinet for Health and Family Services (CHFS) collaborate to identify successful models and practices of integrated and comprehensive health services in schools and share such models and practices with others schools to reduce barriers to adoption.

The Task Force recognizes that the issue of bullying and its consequences are more of a public health issue than an academic one, though schools are one of the more visible places for bullying to occur. Bullying is a community problem that requires a community solution through the collaboration of schools and community-based organizations that can address the underlying issues contributing to bullying behavior. Furthermore, schools alone may not have the resources to address some of the behavioral health needs associated with bullying behaviors. KDE and CHFS can model the kind of collaboration that should take place at the community level by working together to identify successful models and practices of integrated and comprehensive health services in schools. Many schools throughout the state already operate school-based Family Resource and Youth Services Centers (FRYSCs) to provide health services and referrals, family crisis and mental health counseling, and referrals to health and social services. Some schools offer onsite therapy and counseling through partnerships with community behavioral health providers, while others may have partnerships with regional hospitals, universities, and other entities to provide mental health counselors at the local school level. KDE and CHFS should work together to identify examples of successful partnerships between schools and providers and disseminate this information to promote the adoption of similar models that can be adapted to local school and community needs.

One recent example of collaboration between KDE and CHFS is the School-Based Behavioral Screening Initiative, launched in early 2014. The goal of the initiative is to help school middle and high schools throughout the Commonwealth recognize when a student might be showing signs of a behavioral health need, briefly screen with a validated tool, and then based on identified need, refer for services, supports or further assessment, when appropriate. School districts who have implemented the initiative have reported the ability to

better plan proactively to help students, to better identify when a student's behavior might be a symptom of a greater problem, and to meet the needs of their students more responsively. For more information about the Initiative, visit <http://dbhdid.ky.gov/dbh/sbbhsi.aspx>.

#### **STEP 4: ENSURE WIDESPREAD ADOPTION**

The final step of the public health model is to ensure widespread dissemination and adoption of the programs that prevent bullying. The CDC asserts that communities must be encouraged to implement and evaluate evidence-based programs and techniques to promote widespread adoption to include training, networking, technical assistance, and evaluation.

Recognizing the dual needs of prevention and intervention, **the Task Force recommends the Governor, in partnership with the General Assembly, establish and fund a sustainable state-level agency or office that both coordinates and supports community-driven efforts to promote bullying prevention and community programs.** This entity should be responsible for the following:

- Building on and connecting to existing community resources (such as local health departments, community mental health centers, regional prevention centers, Regional Interagency Councils, Family Resource and Youth Services Centers, schools, parent and student organizations, churches and religious organizations, community-based organizations, nonprofits, and local businesses) in order to disseminate information about bullying prevention, services, and resources;
- Engaging in activities that promote awareness and prevention of bullying in schools and communities;
- Developing a Community Toolkit to support communities and schools in organizing and developing their own strategies to prevent and address bullying;
- Developing and hosting an interagency website which will link to public and private entities working to address bullying;
- Planning and hosting events both regionally and at the state level, including, but not limited, to Bullying Prevention month every October;
- Advocating that all public and private agencies serving young people and their families adopt a public health approach to bullying prevention (which includes ongoing assessment of risk and protective factors, trauma exposure, and bullying behaviors to both raise awareness among stakeholders and inform decisions);
- Training school-based and other youth-serving staffs to recognize, investigate, and intervene in bullying situations as part of an overall positive and respectful climate and culture, including training on the effects of trauma on social, emotional, and cognitive development; and,
- Serving as an impartial, neutral advocate outside the Kentucky Department of Education to help ensure parents feel their voices are heard. This role would help facilitate communication between parents, schools, and community organizations. Whether housed in an existing agency or elsewhere, this office must have new funding to support adequate staff.

Existing entities like KDE and CHFS cannot solely be tasked with this work. It will be critical to the success of widespread adoption that the structure be collaborative, with both public and private entities. Members of the Task Force's Community and Family Outreach Subcommittee recognized the need for this entity to develop educational materials, coordinate messaging, work with and leverage local nonprofits and reach out to local businesses to move toward the goal of building strong communities where bully prevention is widely adopted.

## **Conclusion**

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The Task Force was launched into its work with broad and expansive mandate established by its Executive Order. Over the course of a year, it engaged with stakeholders from across the Commonwealth and national experts, and consulted a wide variety of reports, data, and other resources to tackle the complex problem of bullying. If it had been possible, the members of the Task Force would have aimed to end bullying throughout the Commonwealth. However, as Dr. Temkin concluded her October 2014 presentation to the Task Force, she underscored that there is no “magic solution” to preventing bullying. It is with this in mind that the Task Force developed a set of recommendations, based on the public health framework, that are coordinated, flexible and can be regionally and locally adapted to meet the needs of local schools and communities, with the ultimate goal of creating safer schools and communities.



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## Appendices

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# Appendix A: Executive Order & Amendment

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STEVEN L. BESHEAR  
GOVERNOR

## EXECUTIVE ORDER

Secretary of State  
Frankfort  
Kentucky

2014-765  
September 11, 2014

### RELATING TO ESTABLISHMENT OF THE KENTUCKY YOUTH BULLYING PREVENTION TASK FORCE

**WHEREAS**, in recent decades, the United States has experienced a disturbing growth in the number of violent acts on school campuses; and

**WHEREAS**, school based violence has a tremendous and detrimental impact on the school in which it occurs, the surrounding community, and the nation as a whole; and

**WHEREAS**, last year alone, the Kentucky Department of Education received reports of 15,520 bullying or harassment incidents in the 2012-2013 school year, and of that total, 6,941 of those incidents resulted in an out-of-school suspension or expulsion, and doubtless there are thousands more which went unreported; and

**WHEREAS**, 10% of dropouts give bullying as their main reason for leaving school, and approximately 60 percent of those identified as bullies in grades six through nine have been convicted of at least one crime by the age of 24; and

**WHEREAS**, research suggests that bullying is a significant factor in many teen suicides, with Kentucky's suicide death rate being the 17th highest in the nation and the 2nd leading cause of death for Kentuckians ages 15 to 34; and

**WHEREAS**, the State has a strong public interest in the safety and well being of all students in Kentucky schools; and

**WHEREAS**, Kentuckians place a high value on education, recognizing that our children are key to future success, economic vitality, social harmony, and quality of life in our state; and

**WHEREAS**, it is a priority of this administration to ensure that every Kentucky school provides a safe and welcoming environment, where every child is accepted and valued as he or she is so that each can thrive and learn:



STEVEN L. BESHEAR  
GOVERNOR

EXECUTIVE ORDER

Secretary of State  
Frankfort  
Kentucky

2014-765  
September 11, 2014

NOW, THEREFORE, I, Steven L. Beshear, Governor of the Commonwealth of Kentucky, by virtue of the authority vested in me by the Kentucky Constitution and KRS 12.029, do hereby Order and Direct the following:

- I. The Kentucky Youth Bullying Prevention Task Force (“Task Force”) is hereby created and established for the purpose of examining the state of bullying, harassment and intimidation in the Commonwealth, as well as reviewing existing laws and regulations, and to advise the Governor and the General Assembly on effective and comprehensive policies so as to ensure the safety of all students in Kentucky schools. The Task Force shall be attached to the Office of the Commissioner, Kentucky Department of Education, for administrative and staff purposes.
- II. The Task Force shall consist of no more than 22 members appointed as follows:
  - a. The Secretary of the Cabinet for Health and Family Services, who shall serve as Co-Chair;
  - b. The Commissioner of the Department of Education, who shall serve as Co-Chair;
  - c. The Chair of the Board of the Kentucky Center on School Safety;
  - d. Two members of the Kentucky State Senate;
  - e. Two members of the Kentucky House of Representatives;
  - f. Two members representing mental health professionals;
  - g. Three members with experience or expertise on bullying;
  - h. One non-profit representative;
  - i. One member representing school superintendents;
  - j. One member representing school principals;
  - k. One member representing law enforcement;
  - l. One family member of a youth that has experienced bullying;
  - m. One youth or young adult who has experienced bullying;
  - n. One attorney representing the Kentucky Bar Association;
  - o. Two members representing the business community;
  - p. One member representing school teachers;
- III. The duties of the Task Force shall be as follows:
  - a. Study the issue of bullying amongst school-age children, focusing on a review of best practices and policies currently used to combat bullying;
  - b. Analyze existing statutes and policies, resources, reported levels of bullying, and consequences of bullying, intimidation and harassment;
  - c. Solicit and obtain input from the public, experts, professionals, and victims of bullying, intimidation and harassment;
  - d. Clearly define bullying, harassment and intimidation;
  - e. Raise awareness of bullying within our schools, as well as afterschool;
  - f. Develop better ways to utilize training and informational resources for educators, parents, and communities;



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- g. Identify ways to provide families and law enforcement with the necessary tools to address cyber bullying;
  - h. Review and study the impact that bullying has on suicide prevention and mental health strategies;
  - i. Develop and implement strategies designed to leverage non-profit and community support to combat bullying;
  - j. Provide recommendations for policy initiatives to the Governor and the General Assembly based upon its findings;
  - k. Develop actionable recommendations for local schools to assist them in preparing and/or updating school safety plans;
  - l. Develop proposed school site safety and security assessment protocols and procedures;
  - m. Recommend specific school site safety improvements that individual schools could adopt;
  - n. Draft school-based safety training program recommendations for school staff and administrators; and
  - o. Identify funds needed for infrastructure improvements and training of school personnel and students to respond to emergency incidents.
- IV. The Task Force will provide recommendations and convey its findings in a final report to the Governor's Office and the General Assembly on or before November 15, 2015. In addition, the Task Force may provide recommendations and findings to the Governor and/or the General Assembly at any time at its discretion.
- V. The Governor shall appoint two (2) members to serve as Co-Chairs of the Task Force. The members of the Task Force shall meet at regularly scheduled intervals and at the call of the Co-Chair.
- VI. Support staff, facilities, and resources for the meetings of the Task Force shall be provided as directed by the Office of the Commissioner, Department of Education. Members of the Task Force shall serve at the pleasure of the Governor, without compensation, but shall be reimbursed for expenses incurred in the discharge of their official duties.
- VII. All cabinets, departments, commissions, boards, agencies, and officers of the state, or any political subdivision thereof, are hereby authorized and directed to cooperate with the Task Force in implementing the provisions of this Order.
- VIII. I hereby appoint the following to serve as members of the Task Force:

Secretary Audrey Haynes  
Cabinet for Health and Family Services  
275 E. Main Street  
Frankfort, KY 40601  
Co-Chair



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Commissioner Terry Holliday  
Kentucky Department of Education  
500 Mero Street  
Frankfort, KY 40601  
Co-Chair

John Akers  
Kentucky Department of Education  
500 Mero Street  
Frankfort, KY 40601  
Board Chair of Kentucky Center on School Safety

Senator Dorsey Ridley  
702 Capitol Avenue, Suite 225  
Frankfort, KY 40601  
Representing the Kentucky Senate,  
Ex-Officio/Non-Voting Member

Senator Mike Wilson  
702 Capitol Avenue, Suite 204  
Frankfort, KY 40601  
Representing the Kentucky Senate  
Ex-Officio/Non-Voting Member

Representative Derrick Graham  
702 Capitol Avenue, Suite 367  
Frankfort, KY 40601  
Representing the Kentucky House of Representatives  
Ex-Officio/Non-Voting Member

Representative Regina Bunch  
702 Capitol Avenue, Suite 424A  
Frankfort, KY 40601  
Representing the Kentucky House of Representatives  
Ex-Officio/Non-Voting Member

Dr. Vestena Robbins, Policy Advisor  
Department for Behavioral Health, Developmental and  
Intellectual Disabilities  
100 Fair Oaks Lane  
Frankfort, KY 40601  
Representing mental health professionals

Dr. Nancy Cunningham  
University of Louisville  
2301 South Third Street  
Louisville, KY 40292  
Expert on Bullying



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Ben Reno-Weber  
YMCA/KY Youth Association  
91 C. Michael Davenport Blvd.  
Frankfort, KY 40601  
Non-Profit Representative

Superintendent Bo Matthews  
Barren County School Superintendent  
107 E. Main Street  
Glasgow, KY 42141  
Representing School Superintendents

Principal Thomas Aberli  
Atherton High School Principal  
3000 Dundee Road  
Louisville, KY 40205  
Representing School Principals

Susan Guess  
150 Rosebower Church Road  
Paducah, KY 42003  
Representing family member of youth  
that has experienced bullying

Morgan Guess  
150 Rosebower Church Road  
Paducah, KY 42003  
Representing youth that has experienced bullying

Hon. Carl Frazier  
KY Bar Association's Young Lawyer Division  
300 W. Vine Street, Ste. 2100  
Lexington, KY 40507  
Representing attorneys of the Kentucky Bar Association

Major Robert Carter  
Madisonville Police Department  
99 East Center Street  
Madisonville, KY 42431  
Law Enforcement Representative

Dr. Kelly Davis  
1001 Pepperidge Drive  
Bowling Green, KY 42103  
Expert on bullying



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Rachel Willoughby  
174 Cedar Trace Drive  
Prestonsburg, KY 41653  
Representing mental health professionals

Craig Browning  
125 Rippling Creek Drive  
Smiths Grove, KY 42171  
Representing the business community

Mark Simindinger  
649 Canterbury Drive  
Edgewood, KY 41017  
Representing the business community

Patty Cook-Craig  
123 Brewer Drive  
Richmond, KY 40475  
Expert on bullying

Juanita Spangler  
202 Frogpond Lane  
Whitesburg, KY 41858  
Representing school teachers

Please issue Commissions to them.

  
STEVEN L. BESHEAR, GOVERNOR  
Commonwealth of Kentucky

  
ALISON LUNDERGAN GRIMES  
Secretary of State





STEVEN L. BESHEAR  
GOVERNOR

EXECUTIVE ORDER

Secretary of State  
Frankfort  
Kentucky

2014-858  
October 17, 2014

**AMENDED ORDER RELATING TO ESTABLISHMENT OF THE  
KENTUCKY YOUTH BULLYING PREVENTION TASK FORCE**

**WHEREAS**, pursuant to Executive Order 2014-765, the Kentucky Youth Bullying Prevention Task Force (“Bullying Task Force”) was created and established for the purpose of examining the state of bullying, harassment and intimidation in the Commonwealth, as well as reviewing existing laws and regulations and thereafter advising the Governor and the General Assembly on effective and comprehensive policies so as to ensure the safety of all students in Kentucky schools; and

**WHEREAS**, it has been determined that expansion of the Bullying Task Force to include additional representatives in areas of expertise concerning bullying would provide additional input which will enhance the work of the Bullying Task Force:

**NOW, THEREFORE**, I, Steven L. Beshear, Governor of the Commonwealth of Kentucky and KRS 12.029, do hereby Order and Direct the following:

- I. The Kentucky Youth Bullying Prevention Task Force is hereby expanded to include additional representatives for a total membership of 26 members.
- II. I hereby appoint the following to serve as members of the Task Force:

Representative Rita Smart  
702 Capitol Avenue, Suite 367  
Frankfort, KY 40601  
Representing the Kentucky House of Representatives  
Ex-Officio/Non-Voting Member

Senator Jared Carpenter  
702 Capitol Avenue, Suite 203  
Frankfort, KY 40601  
Representing the Kentucky Senate,  
Ex-Officio/Non-Voting Member



STEVEN L. BESHEAR  
GOVERNOR

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Patrice McCrary  
325 Crestlake Way  
Bowling Green, KY 42104  
Representing school teachers

Scott Burrows  
9340 Hwy 42 W  
Pendleton, KY 40055  
Representing school board members

Please issue Commissions to them.

  
STEVEN L. BESHEAR, GOVERNOR  
Commonwealth of Kentucky

  
ALISON LUNDERGAN GRIMES  
Secretary of State

## Appendix B: Meeting Schedule & Presenters

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Below is a list of dates and locations of the meetings held by the Task Force, along with the presentations delivered. All presentations are available online and can be viewed at the Kentucky Department of Education's website at this link: <http://education.ky.gov/school/sdfs/Pages/Governor's-Task-Force-on-Bullying.aspx>

<u>Date &amp; Location</u>	<u>Presenters</u>
October 22, 2014 Frankfort	<u>Bullying &amp; Bullying Policies</u> <ul style="list-style-type: none"><li>• Dr. Deborah Temkin, Senior Research Scientist, Child Trends</li></ul> <u>Bullying Issues in Kentucky: What Educators and Communities Can Do</u> <ul style="list-style-type: none"><li>• Jon Akers, Executive Director, Kentucky Center for School Safety</li></ul>
December 10, 2014 Frankfort	<u>Building Statewide Bullying Prevention Collaboration</u> <ul style="list-style-type: none"><li>• Mary Dolan, Bullying Prevention Consultant, Pennsylvania Department of Education Office for Safe Schools</li></ul> <u>The Public Health Approach to Bullying Prevention (Part I)</u> <ul style="list-style-type: none"><li>• Dr. Ruth Ann Shepherd, Director of the Division of Maternal and Child Health, Kentucky Department for Public Health</li></ul> <u>Kentucky's Current Response</u> <ul style="list-style-type: none"><li>• David Wickersham, Policy Advisor, Kentucky Department of Education</li></ul>
February 11, 2015 Frankfort	<u>The Public Health Approach to Bullying Prevention (Part II)</u> <ul style="list-style-type: none"><li>• Dr. Ruth Ann Shepherd, Director of the Division of Maternal and Child Health, Kentucky Department for Public Health</li></ul> <u>Successful Current Kentucky Systems and Programs</u> <ul style="list-style-type: none"><li>• Gretta Hylton, Executive Staff Advisor, Office of Next Generation Learners, Kentucky Department of Education</li><li>• Dr. Terry Scott, Professor and Distinguished University Scholar, Department of Special Education, University of Louisville</li><li>• Dr. Kelly Davis, Director of Exceptional Children, Green River Regional Educational Cooperative</li></ul> <u>Trauma Informed Care: Responding to Bullying within a Multi-tiered Framework</u> <ul style="list-style-type: none"><li>• Dr. Ginny Sprang, Executive Director, Center on Trauma and Children, University of Kentucky</li></ul>
April 8, 2015 Bowling Green	<u>Green Dot</u> <p><i>The Green Dot strategy is a comprehensive approach to the primary prevention of violence that capitalizes on the power of peer and cultural influence across all levels of the socio-ecological model.</i></p> <ul style="list-style-type: none"><li>• Eileen Recktenwald, MSW, Executive Director, Kentucky Association of Sexual Assault Programs</li></ul>
June 10, 2015 Louisville	<p><i>The Task Force used this meeting to conduct subcommittee work and to develop the recommendations.</i></p>
July 15, 2015 Frankfort	<p><i>The Task Force used this meeting to conduct subcommittee work and to develop the recommendations.</i></p>

## **Appendix C: Kentucky's Statutes Related to Bullying**

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- KRS 158.148: Student discipline guidelines and model policy–Local code of acceptable behavior and discipline–Required contents of code
- KRS 158.150: Suspension or expulsion of pupils
- KRS 158.153: District-wide standards of behavior for students participating in extracurricular activities
- KRS 158.154: Principal's duty to report certain acts to local law enforcement agency
- KRS 158.155: Reporting of specified incidents of student conduct–Notation on school records–Report to law enforcement of certain student conduct–Immunity
- KRS 158.156: Reporting of commission of felony KRS Chapter 508 offense against a student–Investigation–Immunity from liability for reporting–Privileges no bar to reporting
- KRS 158.440: Legislative findings on school safety and order
- KRS 158.441: Definitions for chapter [158]
- KRS 158.444: Administrative regulations relating to school safety–Role of Department of Education to maintain statewide data collection system–Reportable incidents–Annual statistical reports–Confidentiality
- KRS 158.445: Local Assessment of school safety and school discipline
- KRS 158.449: Annual report of disruptive behavior [and] school incidents resulting in a complaint
- KRS 161.180: Supervision of pupils' conduct
- KRS 525.070: Harassment
- KRS 525.080: Harassing communications
- KRS 620.030: Duty to report dependency, neglect, abuse, or human trafficking–Husband-wife and professional-client/patient privileges not grounds for refusal to report–Exceptions–Penalties
- KRS 158.070: Minimum school term or school term–Professional development–Suicide prevention

## Appendix D: Full Text of House Bill 91 (2008)

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AN ACT relating to the safety, learning, and well-being of students.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

→SECTION 1. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO READ AS FOLLOWS:

- (1) Any employee of a school or a local board of education who knows or has reasonable cause to believe that a school student has been the victim of a violation of any felony offense specified in KRS Chapter 508 committed by another student while on school premises, on school-sponsored transportation, or at a school-sponsored event shall immediately cause an oral or written report to be made to the principal of the school attended by the victim. The principal shall notify the parents, legal guardians, or other persons exercising custodial control or supervision of the student when the student is involved in an incident reportable under this section. The principal shall file with the local school board and the local law enforcement agency or the Department of Kentucky State Police or the county attorney within forty-eight (48) hours of the original report a written report containing:*
- (a) The names and addresses of the student and his or her parents, legal guardians, or other persons exercising custodial control or supervision;*
- (b) The student's age;*
- (c) The nature and extent of the violation;*
- (d) The name and address of the student allegedly responsible for the violation; and*
- (e) Any other information that the principal making the report believes may be helpful in the furtherance of the purpose of this section.*
- (2) An agency receiving a report under subsection (1) of this section shall investigate the matter referred to it. The school board and school personnel shall participate in the investigation at the request of the agency.*
- (3) Anyone acting upon reasonable cause in the making of a report required under this section in good faith shall have immunity from any liability, civil or criminal, that*

might otherwise be incurred or imposed. Any such participant shall have the same immunity with respect to participation in any judicial proceeding resulting from such report or action.

(4) Neither the husband-wife nor any professional-client/patient privilege, except the attorney-client and clergy-penitent privilege, shall be a ground for refusing to report under this section or for excluding evidence regarding student harassment, in any judicial proceedings resulting from a report pursuant to this section. This subsection shall also apply in any criminal proceeding in District or Circuit Court regarding student harassment.

→ Section 2. KRS 158.444 is amended to read as follows:

- (1) The Kentucky Board of Education shall promulgate appropriate administrative regulations relating to school safety, student discipline, and related matters.
- (2) The Kentucky Department of Education shall:
  - (a) Collaborate with the Center for School Safety in carrying out the center's mission; ~~and~~
  - (b) Establish and maintain a statewide data collection system by which school districts shall report by sex, race, and grade level:
    1. a. All incidents~~incidences~~ of violence and assault against school employees and students;
    - b. All incidents~~incidences~~ of possession of guns or other deadly weapons on school property or at school functions; ~~and~~
    - c. All incidents~~incidences~~ of the possession or use of alcohol, prescription drugs, or controlled substances on school property or at school functions; and
    - d. All incidents in which a student has been disciplined by the school for a serious incident, including the nature of the discipline, or charged criminally for conduct constituting a violation of any offense specified in KRS Chapter 508, or Section 4 of this Act occurring on school premises, on school-sponsored transportation, or at school functions, or Section 5 of this Act;

might otherwise be incurred or imposed. Any such participant shall have the same immunity with respect to participation in any judicial proceeding resulting from such report or action.

(4) Neither the husband-wife nor any professional-client/patient privilege, except the attorney-client and clergy-penitent privilege, shall be a ground for refusing to report under this section or for excluding evidence regarding student harassment, in any judicial proceedings resulting from a report pursuant to this section. This subsection shall also apply in any criminal proceeding in District or Circuit Court regarding student harassment.

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  - (a) Collaborate with the Center for School Safety in carrying out the center's mission; ~~and~~
  - (b) Establish and maintain a statewide data collection system by which school districts shall report by sex, race, and grade level:
    1. a. All incidents~~incidences~~ of violence and assault against school employees and students;
    - b. All incidents~~incidences~~ of possession of guns or other deadly weapons on school property or at school functions; ~~and~~
    - c. All incidents~~incidences~~ of the possession or use of alcohol, prescription drugs, or controlled substances on school property or at school functions; and
    - d. All incidents in which a student has been disciplined by the school for a serious incident, including the nature of the discipline, or charged criminally for conduct constituting a violation of any offense specified in KRS Chapter 508, or Section 4 of this Act occurring on school premises, on school-sponsored transportation, or at school functions, or Section 5 of this Act;



2. The number of arrests, the charges, and whether civil damages were pursued by the injured party;
  3. The number of suspensions, expulsions, and corporal punishments; and
  4. Data required during the assessment process under KRS 158.445; ~~and~~;
- (c) ~~The department shall~~ Provide all data collected relating to this subsection to the Center for School Safety according to timelines established by the center.
- (3) The Department of Education shall provide the Office of Education Accountability and the Education Assessment and Accountability Review Subcommittee with an annual statistical report of the number and types of incidents reported under subsection (2)(b) of this section. The report shall include all monthly data and cumulative data for each reporting year. Reportable incidents shall be grouped in the report in the same manner that the reportable incidents are grouped in subsection (2)(b)1. of this section. Data in the report shall be sorted by individual school district, then by individual schools within that district, and then by individual grades within each school. The report shall not contain information personally identifying any student. The reporting period shall be for an academic year, and shall be delivered no later than August 31 of each year.
- (4) All personally identifiable student data collected pursuant to subsection (2)(b) of this section shall be subject to the confidentiality provisions of the Kentucky Family Education Rights and Privacy Act, KRS 160.700 to 160.730, and to the federal Family Educational Rights and Privacy Act, 20 U.S.C. sec. 1232g, and its implementing regulations.
- (5) Parents, legal guardians, or other persons exercising custodial control or supervision shall have the right to inspect or challenge the personally identifiable student records as permitted under the Kentucky Family Education Rights and Privacy Act and the federal Family Educational Rights and Privacy Act and implementing regulations.
- (6) Data collected under this section on an individual student committing an incident reportable under subsection (2)(b)1. of this section shall be placed in the student's



disciplinary record.

→ Section 3. KRS 158.148 is amended to read as follows:

- (1) In cooperation with the Kentucky Education Association, the Kentucky School Boards Association, the Kentucky Association of School Administrators, the Parent-Teachers Association, the Kentucky Chamber of Commerce, the Farm Bureau, members of the Interim Joint Committee on Education, and other interested groups, and in collaboration with the Center for School Safety, the Department of Education shall develop or update as needed and distribute to all districts by August 31 of each even-numbered year, beginning August 31, 2008:
  - (a) Statewide student discipline guidelines to ensure safe schools, including the definition of serious incident for the reporting purposes as identified in Section 2 of this Act; ~~and~~
  - (b) Recommendations designed to improve the learning environment and school climate, parental and community involvement in the schools, and student achievement and
  - (c) A model policy to implement the provisions of this section and Sections 1, 2, 4, and 5 of this Act.
- (2) The department shall obtain statewide data on major discipline problems and reasons why students drop out of school. In addition, the department, in collaboration with the Center for School Safety, shall identify successful strategies currently being used in programs in Kentucky and in other states and shall incorporate those strategies into the statewide guidelines and the recommendations under subsection (1) of this section.
- (3) Copies of the discipline guidelines shall be distributed to all school districts. The statewide guidelines shall contain broad principles and legal requirements to guide local districts in developing their own discipline code and school councils in the selection of discipline and classroom management techniques under KRS 158.154; and in the development of the district-wide safety plan.
- (4) Each local board of education shall be responsible for formulating a code of acceptable behavior and discipline to apply to the students in each school operated by the board. The

code shall be updated no less frequently than every two (2) years, with the first update being completed by November 30, 2008.

- (a) The superintendent, or designee, shall be responsible for overall implementation and supervision, and each school principal shall be responsible for administration and implementation within each school. Each school council shall select and implement the appropriate discipline and classroom management techniques necessary to carry out the code. The board shall establish a process for a two-way communication system for teachers and other employees to notify a principal, supervisor, or other administrator of an existing emergency.
- (b) The code shall contain the type of behavior expected from each student, the consequences of failure to obey the standards, and the importance of the standards to the maintenance of a safe learning environment where orderly learning is possible and encouraged.
- (c) The code shall contain:
  - 1. Procedures for identifying, documenting, and reporting incidents of violations of the code and incidents for which reporting is required under Section 1 of this Act;
  - 2. Procedures for investigating and responding to a complaint or a report of a violation of the code or of an incident for which reporting is required under Section 1 of this Act, including reporting incidents to the parents, legal guardians, or other persons exercising custodial control or supervision of the students involved;
  - 3. A strategy or method of protecting from retaliation a complainant or person reporting a violation of the code or an incident for which reporting is required under Section 1 of this Act;
  - 4. A process for informing students, parents, legal guardians, or other persons exercising custodial control or supervision, and school employees of the requirements of the code and the provisions of this section and Sections 1, 2, 4, and 5 of this Act, including training for school employees; and
  - 5. Information regarding the consequences of violating the code and violations reportable

under Section 1 or 2 of this Act.

(d) The principal of each school shall apply the code of behavior and discipline uniformly and fairly to each student at the school without partiality or discrimination.

~~(e)(4)~~ A copy of the code of behavior and discipline adopted by the board of education shall be posted at each school. Guidance counselors shall be provided copies for discussion with students. The code shall be referenced in all school handbooks. All school employees and parents, legal guardians, or other persons exercising custodial control or supervision shall be provided copies of the code.

→ Section 4. KRS 525.070 is amended to read as follows:

- (1) A person is guilty of harassment when with intent to intimidate, harass, annoy, or alarm another person he or she:
  - (a) Strikes, shoves, kicks, or otherwise subjects him to physical contact; or
  - (b) Attempts or threatens to strike, shove, kick, or otherwise subject the person to physical contact; or
  - (c) In a public place, makes an offensively coarse utterance, gesture, or display, or addresses abusive language to any person present; or
  - (d) Follows a person in or about a public place or places; or
  - (e) Engages in a course of conduct or repeatedly commits acts which alarm or seriously annoy such other person and which serve no legitimate purpose; or
- (f) Being enrolled as a student in a local school district, and while on school premises, on school-sponsored transportation, or at a school-sponsored event:
  1. Damages or commits a theft of the property of another student;
  2. Substantially disrupts the operation of the school; or
  3. Creates a hostile environment by means of any gestures, written communications, oral statements, or physical acts that a reasonable person under the circumstances should know would cause another student to suffer fear of physical harm, intimidation, humiliation, or embarrassment.

- (2) (a) Except as provided in paragraph (b) of this subsection, harassment is a violation.
- (b) Harassment, as defined in paragraph (a) of subsection (1) of this section, is a Class B misdemeanor.

→ Section 5. KRS 525.080 is amended to read as follows:

- (1) A person is guilty of harassing communications when with intent to intimidate, harass, annoy, or alarm another person he or she:
  - (a) Communicates with a person, anonymously or otherwise, by telephone, telegraph, mail or any other form of written communication in a manner which causes annoyance or alarm and serves no purpose of legitimate communication; ~~or~~
  - (b) Makes a telephone call, whether or not conversation ensues, with no purpose of legitimate communication; or
  - (c) Communicates, while enrolled as a student in a local school district, with or about another school student, anonymously or otherwise, by telephone, the Internet, telegraph, mail, or any other form of electronic or written communication in a manner which a reasonable person under the circumstances should know would cause the other student to suffer fear of physical harm, intimidation, humiliation, or embarrassment and which serves no purpose of legitimate communication.
- (2) Harassing communications is a Class B misdemeanor.

## **Appendix E: Additional Resources**

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The members of the Task Force felt it important to include a list of resources that were consulted during the course of the work and that may also be useful to individuals, schools and communities in their approach to addressing bullying.

### **Centers for Disease Control and Prevention**

- <https://www.cdc.gov/violenceprevention/youthviolence/bullyingresearch/>

### **United States Department of Education**

- <http://www.ed.gov/>

### **StopBullying.gov**

- <http://www.stopbullying.gov/>
-