

# **Bullying : A Report from the Huntington Beach Human Relations Task Force**

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## **Executive Summary**

At the request of the Huntington Beach City Council, the Human Relations Task Force conducted a study on bullying in Huntington Beach. The objective was to evaluate the findings and make a recommendation to the Council as to whether an ordinance was needed to address the issue specifically. The limitations of this study include a lack of reliable and valid local data, the use of unstructured, informal interviews and small sample sizes. This study focused only on children, primarily traditional middle and high school students, and does not address issues concerning adults (i.e. work-place bullying).

**Summary of Findings.** There are many definitions of bullying, however it is generally accepted that there are three components to bullying: repetition, intent to harm, and an imbalance of power. In California “bullying” is defined by statute in the California Education Code and includes both physical and verbal acts as well as those by electronic means. Research has shown that victims of bullying are disproportionately from already vulnerable populations including the disabled and sexual minority youth. Based on reviews of empirical research, interviews with law enforcement personnel, school administrators, students and members of the community there is no evidence to suggest that the incidence of bullying in Huntington Beach differs from other communities – it is likely that 28% to 30% of Huntington Beach children are involved in some form of bullying as either a victim or as a bully.

In California there are three laws which specifically address “bullying” as well as “cyber-bullying” in schools in addition to those which address school safety and criminal acts defined in the penal code which addresses bullying-related behaviors. There is limited or no current law protecting individuals from those acts of bullying which do not meet the level of a penal code violation which occur away from the school grounds.

Each of the three school districts in Huntington Beach recognizes that bullying is a serious problem and is attempting to address the issue as directed by recent state legislation. In fact, all three local districts have taken steps beyond their legislative mandates. Many of the programs currently in place are focused on student, parent and staff education. Unfortunately, there is no reliable empirical evidence to support the effectiveness of this approach. Recent legislation including AB 9 (Seth’s Law) has not been fully implemented but will be in place beginning with the 2012 – 2013 school year.

The Huntington Beach Police Department opposes a new ordinance addressing bullying. Currently, there are only two officers assigned as school resource officers (SRO) for Huntington Beach's 44 schools. The SRO's currently have flexibility and are able to use their extensive experience and judgment to intervene in acts of bullying responding to the circumstances. An ordinance could make the SRO's less effective and place unreasonable expectations on their limited resources and time. Without an understanding of what constitutes bullying by the public, the HBPD believes a new ordinance would create an expectation by the public for the department to investigate acts which would be more appropriately handled through the schools.

**Conclusion and Final Recommendations.** Bullying is a serious problem with long-term consequences which potentially threatens the safety and well-being of Huntington Beach children and young adults. After careful consideration of all of the factors involved, the HRTF has concluded that a specific anti-bullying ordinance is not needed in Huntington Beach. However, the task force has identified a number of interventions related to bullying and makes the following recommendations:

- Adoption of a "Declaration Against Bullying"
- Sponsorship of a series of events aimed at raising awareness within the community
- Commission of an annual bullying survey
- Promotion of a city-wide reporting system
- Implementation of a periodic review of issues affecting those victims from vulnerable populations

### **Acknowledgements**

The Huntington Beach Human Relations Task Force would like to acknowledge the following persons and organizations for their contributions of time, resources and expertise that were used in preparing this report:

*Huntington Beach City School District*

*Ocean View School District*

*Huntington Beach Union High School District*

*Huntington Beach Police Department*

*School Resource Officers Derek Young and Vickie Schroyer*

*Orange Coast Memorial Medical Center Emergency Nursing Staff*

*Orange County Human Relations Commission*

*Orange County Sheriff's Department*

*Deputy Sheriff Quyen Young*

*David De Haas, M.D. & CEP America*

## Introduction

**Purpose.** The purpose of this report is to provide the results of a study on the issue of “bullying” in Huntington Beach and to make a recommendation to the Huntington Beach City Council as to whether there is a need for a city ordinance to address the behaviors associated with bullying.

**Submitted by Councilmember Joe Carchio – Direct the Human Relations Task Force to conduct a study of the issue of “bullying” in Huntington Beach and report findings to City Council**

**Recommended Action:**

*Direct the Human Relations Task Force to conduct a study of the issue of “bullying” in Huntington Beach and prepare a report of their findings for the City Council. The report shall include a recommendation concerning whether there is a need to adopt a local ordinance to address this type of behavior. Staff in the police department shall assist the Human Relations Task Force in the preparation of this report.*

**Methodology.** An *ad hoc* committee of the Human Relations Task Force (“bullying committee”) was created to study the issue of bullying in Huntington Beach. The bullying committee began with an extensive review of the current literature related to the terms “bullying,” “bullying related behaviors,” and “cyber-bullying.” Members of the bullying committee met with representatives of the Huntington Beach Police Department (HBPD) on two occasions, attended an educational conference on bullying and cyber-bullying presented by the Orange County Sheriff’s Department and Community Services Program, Inc. (CSP), interviewed representatives of the local school districts, and sought input informally from students, parents and community residents, healthcare providers and other potential stakeholders. The bullying committee met several times over the course of conducting this study and reported monthly to the Human Relations Task Force.

### Bullying Overview

**Definition.** “Bullying” is defined in the California Education Code Section 48900 as “any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act...” The conduct or behavior must have, or be reasonably predicted to have, at least one of the following effects on the victim:

- Fear of harm to person or property
- Detrimental physical or mental health
- Substantial interference with academic performance

- Substantial interference with ability to participate in or benefit from the services, activities, or privileges provided by a school

While there are many definitions available, there are common components that qualify a behavior or act as bullying. With bullying there is a real or perceived imbalance of power between the bully and the victim. Victims may be unable or have a hard time defending themselves. The actions of the bully toward the victim have the intention of causing harm. With bullying there is repetition – the actions or behaviors toward the victim happen over and over. Bullying can take many forms including direct verbal or physical acts; indirect social attacks; and in the form of cyber-bullying (U.S. Department of Health and Human Services website, 2012).

#### **Types of Bullying**

- *Verbal*: name-calling, teasing
- *Social*: spreading rumors, leaving out on purpose, breaking up friendships
- *Physical*: hitting, punching, shoving
- *Cyber-bullying*: using the internet, mobile phones and other technology to harm others

#### **Components of Bullying Behavior**

- Imbalance of power
- Intent to cause harm
- Repetition

### **Cyber-bullying**

The proliferation of computers and mobile phones with internet access has led to a dangerous form of bullying known as *cyber-bullying*. Examples of cyber-bullying include

- Sending hurtful, rude or mean text messages to others
- Spreading rumors or lies about others by e-mail or on social networks
- Creating websites, videos or social media profiles that embarrass, humiliate, or make fun of others

Cyber-bullying is very different from face-to-face bullying because messages and images can be sent instantly 24 hours a day, 7 days a week and shared to a very wide audience in a short time anonymously. Monitoring, preventing and addressing incidents of cyber-bullying pose new challenges to parents, educators and law enforcement due to unfamiliarity with the technology used, lack of resources and jurisdictional questions (Vuong, 2012).

### **Facts About Cyber-bullying**

- 1 in 4 teens in a relationship (25%) say they have been called names, harassed, or put down by their partner through cell phones and texting
- Only 20% of girls who were bullied online knew who was bullying them. 27% of girls who were bullied decided to retaliate by bullying the person who bullied them.
- Only 20% of victims informed a parent or another adult.
- 43% of youth report that they have experienced some form of cyber bullying in the last year.
- The incidence of cyber-bullying is most prevalent among 15- and 16-year-olds, particularly among girls
- Teen cyber bullying victims are twice as likely to talk to a friend about a bullying incident as to talk with their parents or another adult.

**Source:** Orange County Human Relations Commission

### **Prevalence and Incidence**

Bullying is a widespread problem and “perhaps the most underreported safety problem on American school campuses” (U.S. Department of Justice, Office of Community Oriented Policing Services, 2002, p. 1). A study by the National Education Association estimated that 160,000 children miss school daily due to fear of attack or intimidation by other students and more than 30% of school age children are affected by bullying on a monthly basis (Bradshaw, Waasdorp, O’Brennan, & Gulemetova, 2011). Federally collected data indicates that, nationwide, 20% of students in grades 9-12 experience bullying (Centers for Disease Control and Prevention, 2010) and 28% of students in grades 6-12 experience bullying (National Center for Education Statistics and Bureau of Justice Statistics, 2011). Additional statistics compiled by Orange County Human Relations are presented as an Appendix.

### **Victimization and Impact of Bullying**

The impact of bullying has been documented through empirical studies and through coverage of some high-profile cases by the news media. Bullying has been shown to have long-lasting consequences for victims, bullies and for those who witness incidents of bullying. Victims of bullying tend to be “more insecure than most children and react passively and anxiously to situations...they tend to be physically smaller and weaker and are often cautious, sensitive and quiet” (Weir, 2001, p. 1249). Victims are more likely to exhibit poor academic performance and to experience long-term negative health impacts including anxiety, depression and physical ailments including headaches, unexplained abdominal pain and fatigue (Monahan, 2011).



**People Who Bully Others**

- Have a higher risk of abusing alcohol and other drugs in adolescence and as adults
- Are more likely to get into fights, vandalize property, and drop out of school
- Are more likely to engage in early sexual activity
- Are more likely to have criminal convictions as adults. In one study, 60% of boys who bullied others in middle school had a criminal conviction by age 24
- Are more likely to be abusive toward their romantic partners and children as adults

**People Who Witness Bullying**

- Have increased use of tobacco, alcohol or other drugs
- Have increased mental health problems, including depression and anxiety
- Are more likely to miss or skip school

**Suicide and Suicidal Ideations.**

The most serious consequence of bullying is youth suicide. The Centers for Disease Control and Prevention (2007) reported that suicide has become the third leading cause of death in teens. While overall youth suicide rates have decreased, “upward trends were identified in the 10- to 19-year-old age group” (Hinduja & Patchin, 2010, p. 206). Hinduja & Patchin (2010) attribute this increase to the evolving nature of adolescent peer aggression resulting from the proliferation of information technology. The phenomenon of suicide associated with cyber-bullying is now referred to as *cyberbullicide*.

*Suicide is among the leading causes of death of children under 14 and suicide rates among 10 to 14 year olds have increased 50 percent over the last 3 decades.*

**Special Risk Populations**

Both traditional forms of bullying and cyber-bullying tend to victimize specific populations at a significantly higher rate and include obese, chronically ill, disabled, gifted and sexual minority youth (National Center for Education Statistics and Bureau of Justice Statistics, 2011).

**Sexual Minority Youth.** “Gay, lesbian, bisexual, transgender, questioning and intersex (GLBTQI) youth, and those perceived to be GLBTQI, face extensive verbal and physical bullying in schools” (Varjas et al., 2008, p. 59). Many interventions addressing bullying may not always apply to this population and they require special protections as they are less likely to report bullying and in many cases, for safety reasons, are unable to inform a parent or other adult when they are subjected to bullying. A summary of additional findings as published by The Trevor Project (2012) is provided in Table 1.

**Table 1. Facts about Lesbian, Gay, Bisexual and Transgender Youth**

- Nine out of 10 LGBT students (86.2%) experienced harassment at school; three-fifths (60.8%) felt unsafe at school because of their sexual orientation; and about one-third (32.7%) skipped a day of school in the past month because of feeling unsafe (GLSEN National School Climate Survey 2009).
- LGBT students are three times as likely as non-LGBT students to say that they do not feel safe at school (22% vs. 7%) and 90% of LGBT students (vs. 62% of non-LGBT teens) have been harassed or assaulted during the past year. (GLSEN From Teasing to Torment 2006)
- Sexual minority youth, or teens that identify themselves as gay, lesbian or bisexual, are bullied two to three times more than heterosexuals. (Nationwide Children's Hospital, Columbus, OH 2010)
- Lesbian, gay, and bisexual adolescents are 190 percent more likely to use drugs and alcohol than are heterosexual teens (Marshal MP, Friedman MS, et al – *Addiction* 2008).
- It is estimated that between 20 and 40 percent of all homeless youth identify as lesbian, gay, bisexual, and/or transgender (2006 National Gay & Lesbian Task Force: An Epidemic of Homelessness). 62% of homeless LGB youth will attempt suicide at least once—more than two times as many as their heterosexual peers (Van Leeuwen JMM et al – *Child Welfare* 2005)

### Current Laws Addressing Bullying

**Federal and State Level.** There is no Federal law that directly addresses bullying. The State of California has several laws addressing bullying in schools (Table 2.). While the State has provided for a definition of bullying and recognizes cyber-bullying as a form of bullying, none of the current legislation provides for any criminal sanctions nor does it address bullying that occurs outside of school unless the acts meet the definition of a penal code violation (Appendix).

**County and City Level.** As of the date of this report, no city in Orange County has adopted any ordinance addressing the issue of bullying (Huntington Beach Police Department). In the present environment, before any act of bullying is addressed by law enforcement it must rise to the level of a penal code violation. Nationwide, there is a trend for cities to adopt ordinances addressing the issue bullying. There is no available data at this time to determine the effectiveness of these efforts however.

- **Ridgefield, NJ** - Called for the formation of a committee which will receive bullying complaints and will be tasked to investigate them and to recommend remedial action.
- **Detroit, MI** - Made bullying of any person younger than 18 on public grounds a misdemeanor
- **Asheville, NC** - Enacted an anti-bullying ordinance for all city institutions and grounds
- **Milton, WI** - Enacted ordinance to allow the police department to fine students who bully and harass others. The ordinance covers physical, verbal and cyber-bullying

**Table 2. California Legislation Addressing Bullying and Bullying Related Behaviors****AB 9 “Seth’s Law” (2011).**

- Requires school policy and investigation processes.
- Named after 13 year old Seth Walsh who committed suicide after being harassed about sexual orientation and identity

**AB 1156 (2011).**

- Expanded the definition of bullying and connected it to academic performance.
- Notes that bullying causes a substantial disruption and detrimental effect on students.
- Encourages training for school officials.
- Creates provisions to remove victim from the “unhealthy setting.”

**AB 746 (2011).**

- Language of the law includes student behaviors on social networking web sites.
- Adds bullying by electronic means as ground for suspension from school.

**SB 719 (Bullying Prevention for School Safety and Crime Reduction Act of 2003)**

- Constitutional right to be safe and secure in their persons at school (by amendment to Educ. Code)
- Requires school districts in cooperation with law enforcement to develop comprehensive school safety plans

**AB 79 (2001).**

- Requires the Department of Education to develop model policies on the prevention of bullying and on conflict resolution
- Makes the model policies available to school districts and authorizes school districts to adopt one or both policies for incorporation into the school safety plan.

**AB 86 (2008) Pupil safety.**

- Gives school officials grounds to suspend a pupil or recommend a pupil for expulsion for bullying, including, but not limited to, bullying by electronic act.

**S.B. 257 (2001)**

- Specifies that, for school and law enforcement partnership purposes, school crime includes hate crimes and requires the comprehensive school safety plan to include development of a discrimination and harassment policy, as specified, and development of hate crime reporting procedures.

**A.B. 499 (1998)**

- Charges the State Board of Education to develop guidelines, adopt policies, and fund programs to create a school environment free from discriminatory attitudes and hate violence.

### **Huntington Beach Police Department**

Input from the Huntington Beach Police Department (HBPD) was sought throughout the process of preparing this study. Task Force members met with both School Resource Officers, SRO’s Shroyer and Young, as well as the HBPD liaison to the HRTF, Sgt. Dierking. All three officers recognize that bullying is a problem, however, they also expressed opposition to any new ordinance specifically addressing “bullying” for the following reasons:

- The term “bullying” is being overused in the public and being misapplied to many behaviors which do not fall under the definition of bullying
- Students for various reasons do not report being bullied to the SROs or to others
- The majority of bullying cases which are reported are effectively handled by the schools and rarely result in referral to the SROs
- Huntington Beach has only two officers serving 44 schools
- There are currently laws in place to prosecute individuals when their actions reach a level requiring interventions beyond that for which the schools are authorized

The primary concern of the HBPD is that a new ordinance would generate calls to the police department from the public to report bullying. This would place a burden on the department’s resources to conduct investigations of these incidents when the majority would either not meet the definition of bullying or would have been more appropriately handled through the schools or more informal interventions.

### **Huntington Beach School Districts’ Anti-Bullying Programs**

*Special Acknowledgements*  
**Dr. Gregg Haulk**, Huntington Beach City School District  
**Dr. William Loose**, Ocean View School District  
**Dr. Greg Plutko**, Huntington Beach Union High School District

Each of the three Huntington Beach School Districts is strongly committed to addressing the issue of bullying, as stated by each superintendent during personal interviews. All three have initiated interventions beyond that of their legislative mandates and welcomed additional community support including the following:

- Provide guest speakers to the high schools’ annual assembly
- Provide anti-bullying signage
- Support community efforts to enhance parent education

#### **Huntington Beach City School District**

Superintendent Gregg Haulk, cited an extensive program in his district including the following measures (G. Haulk, personal communication, March, 2012):

- Training for teachers with a strong focus by the board of education
- A goal to increase parent education
- An emphasis on addressing the growing threat of cyber-bullying.

### **Ocean View School District**

The district is implementing a district-wide anti-bullying program. The district is utilizing the California School Boards Association Model and definition for bullying. The district has utilized a comprehensive program for all schools in the district entitled, “Developing School-Wide Positive Behavioral Intervention Systems Model.” The district has already implemented the program *Positive Social Behaviors and Anti-Bullying Interventions* (W. Loose, personal communication, March, 2012).

### **Huntington Beach Union High School District**

Superintendent Plutko reported extensive measures to address the problem of bullying. A plan for each school and a district-wide program addressing bullying has been developed and continues to evolve. Peer mediation has been initiated for students involved in behavioral issues including bullying. A tip line has also been implemented in response to bullying (G. Plutko, personal communication, March, 2012).

### **Conclusion and Recommendations**

The Human Relations Task Force recognizes that bullying is a serious problem which potentially threatens the safety and well-being of Huntington Beach children, adolescents and young adults. After careful consideration of the findings of this study, the potential impact on city resources and the effect any action or lack thereof could have on current victims of bullying the following is recommended by the HRTF:

1. The Council adopt a “Declaration Against Bullying” acknowledging that bullying is a serious problem and stating that it will not be tolerated in any form on public grounds.
2. The City of Huntington Beach, in coordination with local school districts and other organizations, sponsor a series of events aimed at raising awareness and directed toward students, parents and the public at-large. Suggested events include
  - a. Sponsoring speakers and discussions at local schools
  - b. Holding a city-wide anti-bullying art contest
  - c. Sponsoring a movie series at the Central Library
3. The Council commission a voluntary annual standardized, validated survey such as the *Olweus Bullying Questionnaire* to be administered to Huntington Beach middle

- and high school students in order to provide local data and to monitor the effectiveness of anti-bullying interventions<sup>1</sup>.
4. The City of Huntington Beach, in coordination with the local school districts and Huntington Beach Police Department's School Resource Officers, develop and promote a city-wide reporting system for victims, parents and witnesses of bullying to report bullying related behaviors and to obtain information on how to access support resources if needed.
  5. The Huntington Beach Human Relations Task Force periodically reviews the issue of bullying and assesses the need for further interventions, especially the needs of those victims identified in this report as being from an already vulnerable population.

While there is no quick fix to the issue of bullying, the HRTF believes that these suggestions will benefit those affected by bullying and greater Huntington Beach community. Combined with other efforts described herein, these interventions will raise the level of public awareness and potentially serve as a catalyst for further dialogue while making a strong statement in support of the parents and victims of bullying-related behaviors.

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<sup>1</sup> The Olweus Bullying Questionnaire (OWB) is available for online administration through the Hazelden Foundation at a cost of 0.95 cents per student. Additional information and a sample report can be found at [http://www.featraining.org/documents/bullying/Olweus\\_Sample\\_Standard\\_School\\_Report.pdf](http://www.featraining.org/documents/bullying/Olweus_Sample_Standard_School_Report.pdf)

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### **Appendix A. California Penal Code (C.P.C.) Violations Applied to Bullying**

**C.P.C. 240 – Assault (Misdemeanor).** An assault is an unlawful attempt, coupled with a present ability, to commit a violent injury on the person of another.

**C.P.C. 242 - Battery (Misdemeanor).** A battery is any willful and unlawful use of force or violence.

**C.P.C. 273 a(b) – Child Cruelty (Felony).** Willfully cause or permit a child to suffer, or inflict on child, unjustifiable physical pain or mental suffering.

**C.P.C. 415 – Disturbing the Peace (Misdemeanor).** Any person who: 1) unlawfully fights in a public place 2) challenges another person in a public place to a fight, or 3.) uses offensive words to promote an immediate violent reaction

**C.P.C. 528.5 (a) – Identity Theft (Misdemeanor).** Knowingly and without consent credibly impersonates another actual person through or on an Internet Web site or by other electronic means for purposes of harming, intimidating, threatening, or defrauding another person.

**C.P.C. 646.9 – Stalking (Misdemeanor or Felony).** Willfully, maliciously, and repeatedly harass, make a credible threat, with intent to place that person in reasonable fear for their safety.

**C.P.C. 422 – Criminal Threats (Felony).** Any person who willfully threatens to commit a crime which will result in death or great bodily injury to another person, with the specific intent that the statement, made verbally, in writing, or by means of an electronic communication device.

**C.P.C 653 (m) – Annoying/Threatening Communication (Misdemeanor).** Every person who, with intent to annoy, telephones or makes contact by means of electronic communication device any obscene language or addresses to the other person any threat to inflict injury to the person or property of the person.