

# Anti-Bullying Policies and Enumeration: An Infobrief for Local Education Agencies



Anti-bullying laws and policies at the state and local levels are common components of bullying prevention efforts.<sup>1</sup> [Every state](#) has an anti-bullying law or policy. Many local school districts also establish anti-bullying policies.

This infobrief focuses on one component some jurisdictions include in their anti-bullying policy – enumeration. This resource explains what enumeration means, summarizes research on enumerated anti-bullying policies, and provides evidence- and practice-informed considerations for implementing strong anti-bullying policies, including those that are enumerated.

## What is Enumeration?

**Enumeration in the context of anti-bullying policies refers to any specific listing of traits or characteristics of students that could be the basis of bullying.** Enumerated anti-bullying laws or policies usually refer to those policies that list the traits or characteristics of students who have historically been targets of bullying. Common characteristics include race, disability, religion, sex or gender, national origin, sexual orientation, ancestry/ethnicity, and gender identity or expression. These traits or characteristics can be actual or perceived by those who do the bullying.

In 1996 the U.S. Supreme Court articulated support for enumeration as an “essential device used to make the duty not to discriminate concrete.”<sup>2</sup>

Enumeration can send a broad message to school staff, students and families about values regarding appropriate behavior,<sup>3-5</sup> and enumeration is listed as one of eleven key components of anti-bullying policy by the U.S. Department of Education.<sup>6</sup> [Stopbullying.gov](#) indicates [what characteristics each state policy enumerates](#), if any.

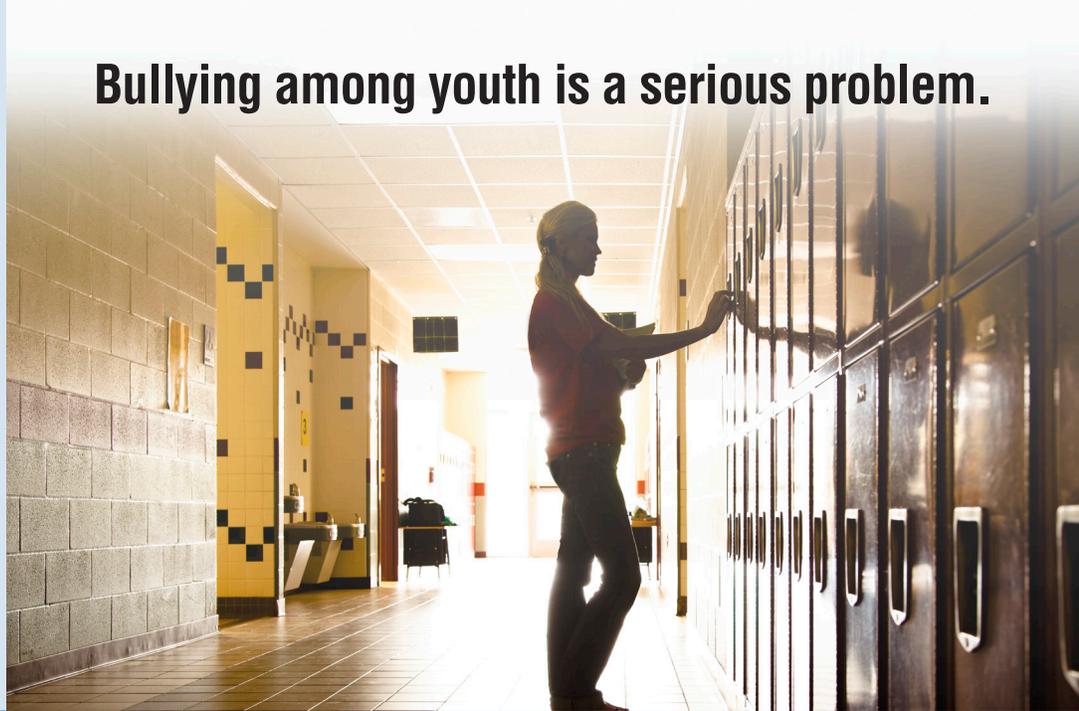
Enumeration of sexual orientation and gender identity is increasingly the focus of discussion about enumerated anti-bullying policies given that lesbian, gay, bisexual and transgender (LGBT) students are more likely to be bullied at school than their heterosexual and cisgender peers.<sup>7-8</sup> Across states, 78%-99% of secondary schools prohibit harassment based on a student’s perceived or actual sexual orientation or gender identity.<sup>9</sup>

Data from the national Youth Risk Behavior Survey (YRBS) showed that, in 2017

**19%** of U.S. high school students were bullied on school property

and **15%** were bullied electronically during the 12 months before the survey.<sup>10</sup>

## Bullying among youth is a serious problem.



### What the Research Says

Some studies have found that enumerating sexual orientation and gender identity in anti-bullying policies is associated with less bullying and better health outcomes for LGBT youth.<sup>11-13</sup> For example, an analysis of a large convenience sample of sexual minority youth aged 13-21 years found lower levels of bullying victimization in schools with policies that enumerate sexual orientation.<sup>11</sup> Another study using the same student-level data from the National School Climate Survey found that LGBT students in districts with enumerated policies reported greater school safety, less victimization based on their sexual orientation and gender expression, and less social aggression than students in districts with generic policies or no/unidentified policies.<sup>12</sup> Another study looked at 11th grade public school students in Oregon and found that lesbian and gay teens are less likely to attempt suicide if they live in areas with school districts that include sexual orientation as a protected characteristic in anti-bullying policies.<sup>13</sup>

Additional research is needed to fully understand the impact of enumerating anti-bullying policies as some studies suggest that enumeration does not have an effect on all identified groups.<sup>14</sup> For example, a study using data from 25 states found that having at least one recommended legislative component for anti-bullying policies was protective against bullying and cyberbullying. However no significant effect was found for enumeration, specifically.<sup>15</sup> Researchers have also found that anti-bullying policies, regardless of enumeration, were not associated with lower disparities in bullying and cyberbullying based on weight; high compliance with Department of Education enumeration guidelines was linked to small improvements in disparities in bullying victimization based on sex.<sup>16</sup> Further, it is unclear whether enumeration sufficiently protects students who are bullied based on characteristics that are not enumerated. Future research should explore this issue to help ensure that enumerated laws and policies work as intended to protect *all students* from bullying.

# What Local Education Agencies Can Do

Regardless of whether or not local education agencies enumerate their anti-bullying policy, establishing and implementing strong anti-bullying policies has the potential to prevent bullying. Local education agencies that enumerate will want to ensure that the policy protects all students.

## KEY CONSIDERATIONS

for ALL Anti-Bullying Policies

### Enumerated or not, strong anti-bullying policies will:<sup>6,17-19</sup>

- Provide a clear definition of bullying, consistent with state laws, that includes prohibited actions.
- State locations where bullying might take place, such as school grounds, school events, and the internet, that are covered by the policy.
- Describe graduated sanctions and consequences for incidents of bullying, including non-punitive alternatives.
- Include a statement of rights to other legal recourse.

## ACTIONS

for Effective Implementation of ALL Anti-Bullying Policies

### All anti-bullying policies should have guidance for effectively implementing the policy. Having a policy “on the books” is not enough. The policy needs to be consistently enforced. This involves the following:<sup>6,19</sup>

- Determine how the policy will be enforced, by whom, and how enforcement will be monitored.
- Educate staff, students, and families regularly about the policy using multiple channels (e.g., newsletters, emails, Facebook, etc.).
- Train staff and students to recognize bullying and respond safely and effectively.
- Establish a system to support reporting of bullying with protection from retaliation and promptly investigate and respond to reports of bullying.
- Refer perpetrators and victims to counseling and other services.
- Support effective school-based violence prevention programs that combine whole-school programs with classroom curricula and small group or individual-level programs that include mentoring and address social skills.

## ADDITIONAL CONSIDERATIONS

for ENUMERATED Anti-Bullying Policies

### To ensure protection for all students, enumerated policies should:<sup>7</sup>

- State that all students are protected under the policy, even if they are not represented by the traits or characteristics enumerated in the policy. Using phrases like “including but not limited to” or “any other distinguishing characteristics” when enumerating characteristics helps make this clear.
- Acknowledge that not all acts of bullying are based on enumerated characteristics and that the types of things that make a student more likely to be the target of bullying change over time and from place to place.
- Include background information explaining that students with certain characteristics, actual or perceived by others, may be more likely to experience bullying.
- List examples of characteristics that might be the basis of bullying. It is important to state that these characteristics might be actual (e.g., a student is openly gay) or perceived (e.g., others think that a student is gay).

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