

# APPLYING THE TXSSC'S BULLYING CHECKLIST FOR SCHOOLS

**Instructions:** *The following hypothetical scenarios are meant to provide further guidance, and act as an example, when using the **TxSSC's Bullying Checklist for Schools**. Each of the examples below provide a hypothetical scenario and then apply each component of the checklist to the situation, ultimately determining if the action or actions meets the legal definition of bullying according to the Texas Education Code.*

## SCENARIO #1

Lee waits for Jessie to leave their first period class at the middle school every day. Lee is much larger stature, an athlete, and does not like Jessie. Almost every day, Lee confronts Jessie following their first period class by knocking Jessie's books from his hands. Jessie does nothing to retaliate.

### IS THIS BULLYING?

**YES** | According to the bullying checklist, it meets the necessary criterion to be considered bullying.

#### ***Application of the TxSSC's bullying checklist for schools:***

- This happening multiple times after 1st period makes this a pattern of acts.
- The acts are between Lee and Jessie, making it from one student directed at another. Since Lee is larger, it also exploits an imbalance of power. There also could be other imbalances of power that are not immediately apparent.
- The knocking of the books from the hands is physical expression.
- Lee knocking books from Jessie's hands damages Jessie's property and creates reasonable fear of harm to Jessie and damage to his property. Since the acts happen almost every day, the acts are persistent. The continuous knocking of books from Jessie's hands creates at least an intimidating and threatening educational environment.
- The incidents happen on school property.

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## SCENARIO #2

Taylor and Devin communicate through text and social media every day. Taylor and Devin are both interested in dating a student named Ryan. At some point, Devin starts telling false rumors to Ryan about Taylor, in order to get Ryan to dislike Taylor. After leaving school, Devin starts texting unflattering photos of Taylor to Ryan and making social media posts “bashing” Taylor. These texts and photos, as well as social media posts, are NOT done while at school, only while at home or at other friends’ houses. Devin is from a wealthy family and their parents hold high positions in the community, while Taylor is from a moderate income, single-parent family. Other students are beginning to shun Taylor at school, resulting in Taylor socially withdrawing at school and no longer wanting to attend that school. When Taylor and Devin are in class together, they have had to be separated, as they obviously do not get along together in school.

### IS THIS BULLYING?

**YES** | According to the bullying checklist, it meets the necessary criterion to be considered bullying (cyberbullying is bullying).

#### *Application of the TxSSC's bullying checklist for schools:*

- Multiple incidents of texting and social media posts make this a pattern of acts.
- The acts are between Taylor and Devin, making it from one student directed at another. The actions turn into more than one individuals directed at another when Taylor is shunned by other students at school. Since Devin comes from a wealthy family who hold high positions in the community, and Taylor does not, there is a difference in socioeconomic status. This exploits an imbalance of power. There also could be other imbalances of power that are not immediately apparent.
- Social media and texting are considered electronic means.
- These acts are creating an intimidating and abusive environment. Since other students are starting to shun Taylor at schools, it is disrupting the educational process and school operations.
- Social media and texting were used as electronic communication devices.
- These incidents are happening off of school property and outside of a school-sponsored event or school-related activity.
- Since Taylor no longer wants to attend school, and both Taylor and Devin have to be separated at school, it is both interfering with Taylor's educational opportunities and disrupting orderly operations.

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## SCENARIO #3

Jordan and Dakota are longtime friends and their families are friends as well. They are the same age and live a few blocks from each in the same neighborhood. They are both on the baseball team and both are well connected socially at school. Lately, they have been more competitive in their sports activities and have grown further apart. At times, they have been observed at school trading verbal taunts about each other and making fun of each other's family members. No physical altercations have occurred, but they are both aligning with other friends to go "against" each other.

### IS THIS BULLYING?

**NO** | According to the bullying checklist, it does not meet all the necessary criterion to be considered bullying. Specifically, it lacks exploiting an imbalance of power.

#### *Application of the TxSSC's bullying checklist for schools:*

- The trading of verbal taunts is a pattern of acts.
- Since both are exchanging verbal taunts, both are directing behavior toward each other.
- Jordan and Dakota are the same age, from the same neighborhood, and are both members of the baseball team. From this description, there does not appear to be an exploitation of an imbalance of power (even though there may be other imbalances of power unknown). Based on this information, the actions do not meet the legal definition of bullying.

Although these actions do not amount to bullying based on the legal definition in the education code, this **DOES NOT** mean that some intervention would not help to reduce conflict. It is also possible that other school policies in the code of conduct might be more applicable.

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## SCENARIO #4

Logan and Cameron attend the same school and live in the same neighborhood. They ride the bus to school together every morning and afternoon. Logan is well-known around the school and has lots of friends, while Cameron is shy and does not have many. Recently, Logan has started to “pick on” Cameron on the bus. He throws paper planes at him and rounds up other students on the bus to make fun of him. This has occurred for the last several weeks. Logan does not talk to Cameron while at school. Cameron has started to miss several days of school, because he is afraid that Logan’s taunts will start happening while at school.

### IS THIS BULLYING?

**YES** | According to the bullying checklist, it meets the necessary criterion to be considered bullying.

#### ***Application of the TxSSC’s bullying checklist for schools:***

- The behavior on the bus by Logan has occurred for several weeks, making it a pattern of acts.
- The behavior on the bus from Logan and the other students is directed at Cameron, making it from one or more students directed at another student. The fact that Cameron is shy and does not have many friends, and Logan is well-known and has many friends creates an imbalance of power.
- The actions occurring on the bus, including throwing paper airplanes and making fun of Cameron represents both physical contact and verbal expression.
- These actions are physically harming Cameron and have created fear of harm at school. The actions are also persistent, which has created an intimidating, threatening, and abusive educational environment that disrupts the educational process (by missing several days at school).
- The actions occur on a bus used to transport students.

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## SCENARIO #5

Parker and Morgan go to the same school and walk home every day. One day, after leaving the school campus, Parker decides to tease Morgan on their walk home. Parker pushes Morgan to the ground and dumps out her backpack. Parker is much bigger than Morgan, so it was easy for her to push her down. Morgan runs home crying. Morgan's mom has called up to the school to report that Morgan is the victim of bullying.

### IS THIS BULLYING?

**NO**

While it does meet most of the criteria for being bullying, the action appeared to happen only once. Further, it did not happen on school grounds or at a school-sponsored activity. For actions to be considered bullying and under the school district's authority, cyberbullying is the only type of bullying that can happen off-campus where the school is required to intervene.

#### *Application of the TxSSC's bullying checklist for schools:*

- The action happened one time. As far as we know, this was an isolated incident and was not a pattern of acts.
- The action happened from Parker to Morgan, making it from one student directed at another. Parker is bigger than Morgan, which creates and imbalance of power.
- Parker pushed and dumped out Morgan's bag, making it a physical expression. Parker also teased Morgan, which could be considered verbal expression.
- The action of pushing Morgan down physically harmed her and could have reasonably put her in fear.
- It occurred off of school property and outside of a school sponsored event or related activity.

Although these actions do not amount to bullying based on the legal definition in the education code, this DOES NOT mean that some intervention would not help to reduce conflict. It is also possible that other school policies in the code of conduct might be more applicable.

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## SCENARIO #6

Jayden and Avery go to high school together. Jayden is a junior and Avery is a freshman. They play basketball together every Saturday. One Saturday at the basketball court, Jayden stole Avery's basketball. When Avery confronts Jayden, Jayden denies doing it. That evening, Avery gets on Twitter and notices that Jayden posted a short video of Avery missing a basketball shot with the caption "This is what sucking at bball looks like". Avery notices that the video has been shared over 50 times by classmates and others. On Monday morning, students in school were laughing at Avery while walking through the halls. Avery has been unable to focus in class because of the laughing.

### IS THIS BULLYING?

**YES** | According to the bullying checklist, it meets the necessary criterion to be considered bullying.

#### *Application of the TxSSC's bullying checklist for schools:*

- Stealing the basketball, and then posting on social media is a pattern of acts. The fact that it was shared over 50 times could also be considered when determining this as a pattern of acts.
- Incidents are between Jayden and Avery (one student directed at another). The action also turns into multiple students directed at one student following the sharing of the video by other classmates. Differences in classification and age between Jayden and Avery leads to exploiting an imbalance of power.
- Using Twitter to post the video is considered electronic means.
- These acts are creating an intimidating, threatening, and abusive environment. It is infringing on Avery's rights as a student. Since other students are starting to laugh at Avery in the halls, it is disrupting the educational process and school operations.
- Social media was used as an electronic communication device.
- These incidents are happening off of school property and outside of a school-sponsored event or school-related activity.
- Since Avery has not been able to focus in class because of the laughing, it is both interfering with Avery's educational opportunities and disrupting orderly operations.