



# Advocacy Guide

## Preventing and Addressing Identity-based Bullying in Schools

### What is identity-based bullying?

Every year, millions of K-12 students experience harmful, bias-based behaviors, such as bullying, harassment and hate crimes while in school. These behaviors jeopardize students' ability to learn, and they create unwelcoming school climates – leaving many students feeling unsafe and disconnected.

Unfortunately, students across the nation are increasingly experiencing identity-based bullying – threatening and harmful behavior directed against a student on the basis of their race, ethnicity, color, national origin, sex, gender, religion or disability status.

School leaders must ensure that educators, families, and school communities have the necessary tools to prevent and address identity-based bullying and harassment and can support all students impacted by it.

This advocacy guide was designed to help students and the adults that support them advocate for changes in local school board policies to define and respond to identity-based bullying in schools.

### First off, let's define bullying.

Bullying and harassment include a variety of behaviors that negatively impact a student's ability to learn and participate in a school's educational programs and activities.

#### Examples of bullying behavior include:

- unwanted physical contact
- use of slurs or epithets
- threats and intimidation through words or gestures
- theft of personal possessions
- name-calling
- destruction of property
- social exclusion

Bullying also includes *cyberbullying* – the use of digital/electronic devices or online mediums to harass, threaten, embarrass, or target another person.

#### The law prohibits bullying behaviors when they:

- have the effect or are intended to have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm;
- are sufficiently severe, persistent, or pervasive that the behavior creates an intimidating, threatening, or abusive educational environment for a student;
- materially and substantially disrupt the educational process or the orderly operation of a classroom or school; or
- infringe on the rights of the targeted student at school.

We're focusing on **identity-based bullying**, which includes harmful, threatening behavior targeting a student because of their legally-protected identity – i.e., their race, ethnicity, color, national origin, sex, gender, religion or disability status.

Identity-based bullying, along with hate crimes and harassment, are on the rise across the United States.



One of every four bullied students experiences identity-based bullying.



The U.S. Department of Education's Office for Civil Rights logged a record number of discrimination complaints in 2022 – more than double the previous year.

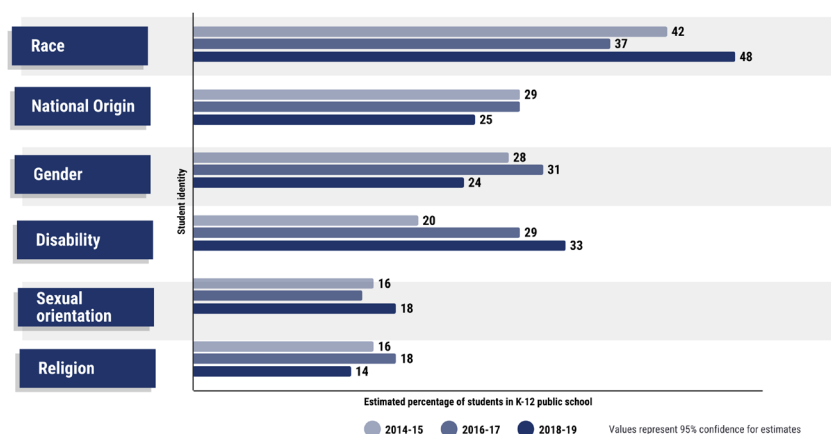


In 2023, the FBI reported an all-time high for reported incidents of hate crimes, with schools as the third most common place that hate crime offenses occurred. The most common bias type motivating hate crime offenses was anti-Black bias, followed by anti-Jewish and anti-LGBTQ+ bias.

## Students of color, students with disabilities, LGBTQ+ students, and religious minorities are at an increased risk of bullying.

Decades of research have shown that youth of color are at higher risk of being targeted for bullying. Race continues to be the leading identity factor for students experiencing identity-based bullying, followed by disability and gender.

Estimated Percentage of Students Experiencing Bullying Related to Identity in K-12 Public Schools



Data source: GAO analysis of the Department of Education's School Crime Supplement to the Department of Justice's National Crime Victimization Survey for school years 2014-15, 2016-17 and 2018-19. | GAO-22-104341

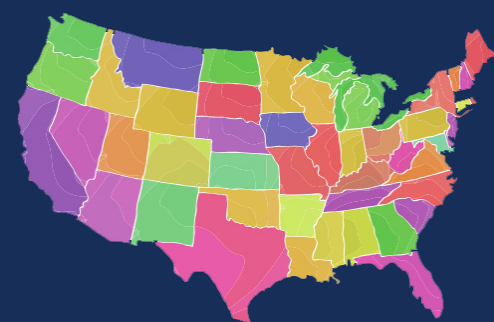
**Black students** experience the most harassment and bullying (37%) on the basis of race, color and national origin, despite being only about 15% of the K-12 student population.

82% of **LGBTQ+ students** reported feeling unsafe in school because of at least one of their actual or perceived personal characteristics.

80% of **Asian American students** experienced bullying on the basis of their Asian identity in 2021.

The Council on **American-Islamic Relations** noted that the education discrimination complaints it received last year had jumped by 63%, to 177 cases.

The Anti-Defamation League documented 494 incidents of **antisemitism** at non-Jewish, K-12 schools last year, a 49% increase over the prior year.



## Students and families across the country have been reporting alarming examples of identity-based bullying and harassment in schools.

In March of 2024, Park City School District in **Utah** signed a resolution agreement following the U.S. Department of Education's Office for Civil Rights (OCR) investigation of complaints alleging bullying and harassment based on race, national origin, disability, and sex for middle school, junior high, and high schools. OCR found that the district's response to repeated harassment of Black, Asian and Jewish students was insufficient. The district repeatedly failed to investigate complaints of racial, antisemitic and disability-based harassment. OCR also found that the district did not take the appropriate steps to address the hostile environment created by the harassment and did not provide the students with information about supportive measures.

Black students in **Lubbock, Texas**, were called the "N-word" on a near-daily basis, frequently referred to as "porch monkeys," forced to listen to other students making "monkey sounds" at them in class and told to "go pick cotton." Students in one middle school were subjected to the sounds of cracking whips as they walked through the halls. Another Black student, out of breath while working out during football practice, was taunted by other students jeering, "He can't breathe like George Floyd."

In **Mission, Texas**, students sent a 13-year-old Black girl racist comments and photos, including photoshopping her face onto Emmett Till's body after being lynched by the KKK. The student was too scared to sleep in her own bed until the posts were taken down.

In **Plano, Texas**, students called a 13-year-old Black boy racial slurs and beat him with a belt in the boy's locker room. The student was so miserable, he quit the football team. Later, at a sleepover where the bullies were present, students shot him with a BB gun, slapped him and made him drink their urine.

In **Florida**, families of three students filed separate lawsuits against a public charter school when the students experienced severe racial bullying and harassment from other students. The complaints detailed incidents where students used racial slurs and derogatory language and used apps to simulate whip-cracking and gunshot sounds toward Black students. One student was assaulted on a school-sanctioned trip.

A **South Carolina** mother is suing a school district on behalf of her daughter, alleging racial discrimination, harassment and retaliation when her daughter – the only Black student on the school's tennis team – was routinely used for target practice by her teammates. The complaint alleges the school administration disregarded her concerns of racial bullying.

In **Tennessee**, a mother of an eighth grader filed a federal lawsuit against a school district where a Black student experienced racial bullying and physical and verbal harassment by his peers, including racial epithets, taunted with a slave auction, and shown depictions of African American caricatures. A federal judge approved a settlement between parties for \$110,000.

In **Massachusetts**, a group of eighth graders used racially derogatory language and conducted a virtual slave auction of their Black classmates on social media. The Greater Springfield NAACP filed a complaint against the school district alleging racial bullying and harassment and that the school failed to properly respond to the conduct.

In **Wisconsin**, the Office for Civil Rights and a school district reached a voluntary settlement agreement following an investigation into the district's response to the bullying and harassment of a nonbinary student. The investigation revealed that teachers failed to use the appropriate pronouns associated with the student's gender identity and did not follow the district's own protocol for bullying and harassment.

In another **Florida** school district, a father is suing on behalf of his seventh grade daughter alleging that the district violated her Fourth and Fourteenth Amendment rights and violated Title IX when they failed to adequately address and prevent gender and sex-based bullying, harassment and sexual assault from another student.



## **Classroom censorship and attacks on public education have fueled identity-based bullying and harassment and undermine safe and supportive school climates.**

The alarming rise in identity-based bullying, harassment and hate crimes has been fueled by state and local policies seeking to censor and control speech, literature, curriculum, and educator training related to race, gender and diversity, equity, and inclusion (DEI) initiatives.

Censorship laws have created fear, confusion and uncertainty around how to talk about race and racism, identity-based bullying and harassment, and systemic discrimination. This has resulted in an increase in chilling of speech and action that would confront and correct such discrimination in schools.

Policies must be clear that bullying on the basis of a person's protected identity status is prohibited. And policies must ensure that school employees feel empowered to act to prevent or address identity-based bullying and harassment – despite the proliferation of harmful censorship measures.

Young people face an unprecedented mental health crisis. Effectively addressing identity-based bullying and promoting student dignity and belonging in schools are critical steps for addressing this challenge.

## **Preventing and providing supportive measures in response to identity-based bullying is critical for addressing youth mental health, particularly for historically underserved youth.**

Black students, indigenous students, other students of color, and LGBTQ+ students, are at a greater risk of experiencing mental health challenges, which have increased during the pandemic.

Because these students already face mental health concerns at a disproportionate rate and are also at greater risk for being targeted for bullying on the basis of their identity, the traumatic impact of identity-based bullying can be severe.

This is particularly true for students with intersectional identities. In a recent study, LGBTQ+ Black and Latino youth reported the highest rates of identity-based bullying.

Students who engage in bullying are themselves at a greater risk of mental health challenges and often have a history of trauma. And, unfortunately, students who have been bullied are also more likely to engage in bullying behavior. This is why restorative responses are key to prevention.

Because youth are particularly vulnerable to social and emotional harm during adolescence, addressing identity-based bullying must be addressed swiftly, effectively, and with attention to the particular harm caused by discrimination.



## Schools should prevent, recognize, and end identity-based bullying before the behavior escalates into a serious school safety threat or civil rights violation.

Identity-based bullying may, alone or in connection with a pattern of behavior, create a discriminatory hostile learning environment under state or federal law.

Identity-based bullying and harassment deprive students of educational opportunity due to increased absenteeism resulting from feeling uncomfortable or unsafe in school, increased disciplinary actions, and lower levels of school engagement and academic achievement.

Federal guidance has long established that schools should prevent and respond to identity-based bullying and harassment in schools. But many states and school districts do not have sufficient guidance to appropriately address identity-based bullying and harassment.

When identity-based bullying occurs in school and the school officials or district do not respond appropriately, the bullying may amount to unlawful discrimination. Several civil rights laws operate to prohibit many forms of discrimination in schools, including:

- **Title VI of the Civil Rights Act of 1964**, prohibiting discrimination on the basis of race, color, or national origin
- **Title IX of the Education Amendments of 1972**, prohibiting discrimination on the basis of sex; and
- **Section 504 of the Rehabilitation Act of 1973** and **Title II of the Americans with Disabilities Act of 1990**, together prohibiting discrimination on the basis of disability.

### School districts may violate these laws when:

- a student experiences bullying or harassment based on race, ethnicity, color, national origin, sex, gender, religion or disability; and
- it is so serious that it creates a hostile environment as to interfere with the student's participation in the educational environment; and
- such bullying or harassment is ignored, tolerated, encouraged, or inadequately addressed by school employees.

Students, families, advocates and concerned community members can file complaints regarding a school's failure to prevent or appropriately respond to identity-based bullying or harassment with the U.S. Department of Education's Office for Civil Rights or the U.S. Department of Justice's Educational Opportunities Section.



**State and local policymakers must act to prevent, recognize and end identity-based bullying and harassment.**



Below are 10 recommendations building on the Department of Education’s “Key Elements” of model state bullying laws and implementing the research, guidance and legal considerations discussed in this guide.

- **Clearly identify, define and prohibit identity-based bullying and harassment.**
- **Designate a bullying prevention and response coordinator.**
- **Provide supportive measures to ensure student safety and continued access to education after bullying or harassment occurs.**
- **Establish clear guidelines for conducting trauma-informed investigations of identity-based bullying and harassment.**
- **Ensure impacted students and families receive adequate notice, have a meaningful opportunity to participate in an investigation, and receive information regarding resolution of their bullying complaint.**
- **Use educational and restorative responses to address incidents of bullying and harassment.**
- **Require robust and ongoing staff training and development on preventing and responding to identity-based bullying and harassment.**
- **Ensure that student-oriented prevention policies and instructional standards explicitly address the prevalence, prevention and intervention of identity-based bullying and harassment.**
- **Require schools to collect and report disaggregated data to better understand the prevalence of identity-based harassment.**
- **Ensure staff training includes guidance on identifying and timely reporting incidents of identity-based bullying and harassment to appropriate school authorities.**

Each of these policy recommendations are discussed in detail in IDRA’s Model Policy Issue Brief: Preventing and Addressing Identity-based Bullying in Schools.

## Share Your Story

# Advocacy Resources

Listen to other students, families and community advocates speak about their experiences with identity-based bullying and harassment.



See our videos of this legislative hearing and news conference to strengthen laws around identity-based bullying and harassment. This legislative hearing, when a bill is heard by a legislative committee and people can voice their opinion on it, was an important step in the advocacy process to share stories.

<https://idra.news/EndIDbasedBullyingEvent>



See our set of videos of a school board meeting where families voiced their opinion on identity-based bullying. Read more about what parents said at their local school board meeting to stand up for their students experiencing this bullying. School board meetings are another effective tool to speak directly to district changemakers.

<https://idra.news/nlNovDec22d>



Review the **Student Advocacy Guide** put together by Children's Defense Fund – Texas to learn how to tell your and your community's story in support of change.

<https://cdfutexas.org/policy/policy-priorities/education/student-advocacy-guide>



## See IDRA's 10 Tips for Speaking with Reporters

In the advocacy space, there are many opportunities to chat with the local, state and national media about your movement, topic or subject area you know about. Having news articles, television interviews, and other media opportunities is a great way to broadcast your message and broaden your scope of interested people.

<http://URL>



## See IDRA's Infographic: How to Get Media Coverage for Advocacy

Media coverage is an integral part of advocacy work. Since most of us are not journalists, pitching to the media and knowing what to say to reporters may feel challenging. Here you can see some tips to get a journalist's attention and reach a wider audience.

<http://URL>



## Talking Points



As you speak about this issue and encourage leaders to adopt new policy, below are some talking points you can use while also sharing your own story.

- All students deserve to learn in an environment free from racism, bullying and harassment.
- No one can expect children to learn, thrive, and grow in an environment filled with racial bullying and harassment.
- Identity-based bullying, is bullying targeting a student because of their race, ethnicity, color, national origin, sex, gender, religion or disability status.
- Students of color, students with disabilities, LGBTQ+ students, and religious minorities are at an increased risk of bullying.
- Students and families across the country have been reporting alarming examples of identity-based bullying and harassment in schools.
- Training for teachers and school staff helps them know how to identify and prevent identity-based bullying and harassment.
- Students and parents should be able to trust their schools to respond appropriately to these harmful behaviors.
- When students don't feel heard or supported, they may lose hope, isolate or harm themselves, or defend themselves through self-defense. When students are forced to take action in their own hands, the school has failed.
- Classroom censorship and attacks on public education have fueled identity-based bullying and harassment and undermine safe and supportive school climates.
- Rather than continue using policies and practices that ignore identity-based bullying and harassment and push students out of the classroom, school districts should instead focus on research-based methods that promote a safe and supportive learning environment for all students.
- Preventing and providing supportive measures in response to identity-based bullying is critical for addressing youth mental health, particularly for historically underserved youth.
- Schools should prevent, recognize, and end identity-based bullying before the behavior escalates into a serious school safety threat or civil rights violation.
- State and local policymakers must act to prevent, recognize and end identity-based bullying and harassment.



## Connect with Others to Influence Policy

### Change State-level Legislation

Below are key steps for getting state-level legislation in place.

- See what the current law is in your state about bullying (see how on the next page).
- Use IDRA's model policy brief as a frame to talk about the educational impact of identity-based bullying.
- Meet with your state-level representative and senator offices. Talk about your story and show them IDRA's model policy. Ask them to introduce or sponsor this legislation.

See steps in our infographic: How to Meet with Your Elected Official <https://idra.news/HowtoMeetwithYourElectedOfficial>

If you can, bring together several people from your community for your meeting with the legislator(s).

If your legislator(s) are interested in proceeding, they can outline for you some strategies for success, including key timelines and probable legislative partners.

- **Testify:** Once a bill has been introduced and there is a hearing on it, you can submit testimony. Include data about the problem in your school district to show that yours is not an isolated incident. Find out the procedures for signing up to testify and rules about testimony length.

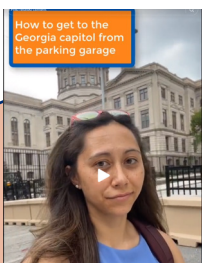
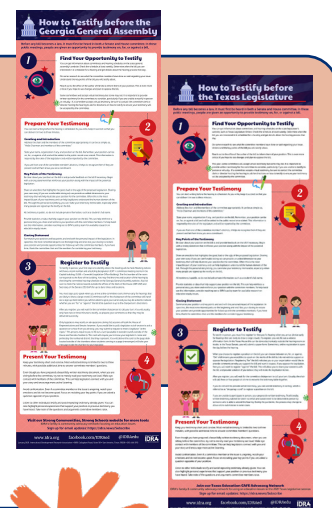


See our bilingual infographics for Georgia and Texas as examples.

- How to Testify before the Georgia General Assembly:
- How to Testify before the Texas Legislature

<https://idra.news/HowToTestifyGa>

<https://idra.news/HowToTestify>



Watch IDRA's Tik Tok and Instagram accounts for videos with tips for visiting your state capitol.

<https://idra.news/Social>



## Change School Board Policy

Below are key steps for working with your school board.

➤ **See what the current policies are in your school district regarding bullying, and specifically identity-based bullying (see how below).**

➤ **Use IDRA's model policy brief as a frame to talk about the educational impact of identity-based bullying.**

➤ **Meet with a school board member.** Talk about your story and show them IDRA's model policy. Ask them to address this issue and support a policy change.

If member(s) are interested in proceeding, they can outline for you some strategies for success, including key timelines and probable legislative partners.

➤ **Speak at your school board meeting.** Typically, agendas for school board meetings include time for public comments. Be sure to check if there are procedures in place to sign up for a speaking time or if you can simply show up unannounced.

Prepare your remarks in advance and be clear that you are asking for the board to take action to adopt policy to prevent and address identity-based bullying. Include data about the problem in your school district to show that yours is not an isolated incident.



Support efforts to prohibit and prevent identity-based harassment in your state and school district, including advocating for the **Protecting All Students from Bullying and Harassment Act**.

➤ **Research and review your state's bullying policies** online using the stopbullying.gov website: <https://www.stopbullying.gov/resources/laws/key-components>

➤ **Assess your school district's bullying and harassment policy** using GLSEN's Policy Assessment Tool: <https://www.glsen.org/LEA-Assessment>

➤ **Reflect on IDRA's 6 Advocacy Lessons Learned from Fighting Against Classroom Censorship Policies:** <https://idra.news/6AdvocacyLessons> (also available in Spanish: <https://idra.news/6AdvocacyLessonsSP>)

➤ **Use HEAL Together's Equity Policy Toolkit** to learn how to engage school boards in equitable policy change, including resources on prohibiting bullying, bias incidents, harassment and hate: <https://raceforward.org/system/files/2024-02/Equity Policies Toolkit for School Boards-2.pdf>

➤ **Learn about school board powers and responsibilities** using the Education Law Center's **School Board Fact Sheet:** <https://www.elc-pa.org/wp-content/uploads/2023/09/School-Board-Its-Power-How-to-Advocate-2023.pdf>

➤ **Get insight on how to prepare for and participate in a meeting with a state or local policymaker:** <https://www.idra.org/resource-center/how-to-meet-with-your-elected-official-infographic>

➤ **Contact your local school board representatives** using School Board Spotlight's search tool: <https://schoolboardspotlight.org/find>

Students, families, and advocates can file complaints regarding a school's failure to prevent or appropriately respond to identity-based bullying or harassment with the U.S. Department of Education's Office for Civil Rights or the U.S. Department of Justice's Educational Opportunities Section.

- OCR: <https://www2.ed.gov/about/offices/list/ocr/complaintintro.html>
- EOS: <https://civilrights.justice.gov/report>