

Putting an Anti-Bullying Law in Place: Policy Implementation Styles and Student Outcomes

Hana Shepherd and Idit Fast

Rutgers University

OVERVIEW

In the face of legal ambiguity, organizations construct forms of legal compliance. In the case of schools, school personnel exercise discretion over implementation in ways that can affect student outcomes. We use the case of the implementation of anti-harassment, intimidation, and bullying (HIB) legislation in public middle schools in NJ to a) investigate the extent of variation in how schools implement policy, and b) examine the implications of variation in how schools implement the policy for student outcomes. We conduct a comparative study drawing on administrator interviews about policy implementation, student surveys, and student administrative data from 48 middle schools. Schools varied on two dimensions: when they pursued formal investigations of HIB claims, and the criteria for HIB that they used in deciding a case. Schools developed what we refer to as a narrow interpretation, a mixed interpretation, or a broad interpretation of the law. Narrow interpreters investigated all claims of HIB and used a restricted definition of HIB criteria that focused particularly on “distinguishing characteristics”; they adopted more formalized procedures. Broad interpreter schools pursued an initial inquiry before launching a formal investigation, and used a broader set of criteria for determining what constituted a HIB incident; they practiced more individual discretion and individualized decision making. Mixed interpretation schools fell in the middle of this continuum.

Narrow interpreter schools appear to comply more closely with the law than do broad interpreter schools and we ask whether this translates to better outcomes for students overall and for potentially marginalized students in particular. We find that, controlling for various school characteristics, students in narrow interpreter schools have more positive overall perceptions of the prevalence of HIB, and of the legitimacy of school rules and adult oversight, but when we look at the differences between students based on race, Latino students in broad interpreter schools show less adverse compared to their White counterparts on a number of measures. This finding parallels work on criminal sentencing and workplace hiring that demonstrates beneficial effects of decision-maker discretion on outcomes for disadvantaged populations. These findings contribute to existing work on the outcomes of educational policies by indicating how differences in the implementation of policies across schools impact student populations (e.g., Diamond 2007). Our study is unique in the breadth of data demonstrating these findings, and it also expands our understanding of how organizations shape the meaning of law (e.g., Edelman 2016).

POLICY IMPLEMENTATION AND THE NJ LAW

Educational policies can fail to clearly specify how schools’ daily practices should change or, even if they are procedurally clear, schools may be inundated with policies that compete for administration and teachers’ attention and resources. Existing research illustrates that implementation may vary based on practitioners’ attitudes and beliefs regarding the policy issue, by schools’ resources and the population they serve, and by administration’s motivation and their relationship with the staff. Given this variation, we need a better understanding of the relationship between how schools differentially implement policies and the concrete effects of these policies on students.

The New Jersey Anti-Bullying Bill of Rights Act, often referred to by school personnel as the Harassment, Intimidation, and Bullying (HIB) law, was passed by the state legislature in 2010 and signed into law in 2011. The law is considered one of the most punitive anti-bullying measures in the country and includes holding schools and school personnel, in addition to individual students, responsible for bullying events. We focus on the interpretive work of school personnel regarding two key aspects of the law: 1) the procedures required from schools for investigating potential HIB incidents, and 2) the criteria for what constitutes a HIB incident. While the investigation procedures were clearly specified in the law, school personnel found the requirements to be administratively burdensome and developed different ways to address these procedures. School personnel perceived the legal criteria for what constitutes a HIB incident to be extremely ambiguous.

DATA AND ANALYSIS

The data for this project comes from both qualitative and quantitative information collected as part of an anti-harassment field experiment and intervention program in 56 New Jersey middle schools during the 2012-13 school year (see Paluck, Shepherd, and Aronow 2016). Each of the schools applied to participate in the intervention program, which fulfilled a programming requirement of the law. We obtained adequate information about HIB procedures from 48 schools, and we use those data for the analyses reported here.

ADMINISTRATOR INTERVIEWS Interviews with school administrators and the school staff members tasked with carrying out the requirements of the law inquired into how the school handled HIB reports, including how many reports they had, the content of reports, the process of reporting and investigating, and who was in charge of the process. Interviewers asked about perceptions of the law and a comparison between the current school year and the previous year in terms of dealing with HIB reports. We developed codes both inductively and deductively based on existing research and then coded each interview for information regarding how the schools interpreted the HIB law, and the practices they reported adopting to comply with the law. We also noted when school personnel saw parents as a coercive force shaping how they pursued HIB claims, in order to assess how variation in coercion from parents affect implementation styles.

STUDENT SURVEYS All students in the participating schools (~N=21,000) completed surveys at the beginning and at the end of the school year. These surveys included questions about:

- students’ perceptions of the prevalence of HIB at the school,
- the role of the HIB law and adults in the school in shaping student harassment, and
- students’ own experiences with other students at the school.

We average student reports for each school to assess school-level effects. We also construct difference scores based on race. We report the results for comparing White and Latino students in the schools because there were many more schools with substantial numbers of both White and Latino students than there were schools with substantial numbers of both White and Black students.

DISCIPLINARY RECORDS AND GRADES Most schools provided disciplinary records and grades for all students for the school year. We constructed measures of the number of peer harassment-related infractions and grade point average for each student. Again, we average student reports for each school to assess school-level effects, and we assess the difference in scores based on race within schools.

SCHOOL CHARACTERISTICS We use data on schools from the NJ Department of Education and the National Center for Education Statistics on school size, student poverty rate, number of reported suspensions, student-teacher ratio, percentage female, measures racial/ethnic composition, and measures of average district HIB reports per year. We use this information to account for schools’ characteristics that might shape how students perceive school climate.

ANALYSIS

Each school was categorized according to its implementation style, which included the approach to formal investigations and the nature of the criteria they used to decide whether an event was HIB or not. In order to assess the effect of implementation styles on student outcomes, we use ordinary least square regression analysis where the dependent variable is either the average student outcome for a school at wave 2 or the computed difference in scores between White and Latino students at wave 2 in a school. The independent variables are a dummy variable for implementation style plus controls for the average outcome variable at wave 1, school student poverty rate, size, number of suspensions, student-teacher ratio, and, when relevant, racial composition or percentage of female students.

ANALYSIS AND RESULTS

ANALYSIS, CONT.

In order to characterize which types of schools adopt particular implementation styles, we use a logistic regression analysis where the dependent variable is a dummy for implementation style (narrow vs. broad) and the independent variables school student poverty rate, size, number of suspensions, student-teacher ratio, the percentage of female students, a dummy variable for the presence of coercive parents, and a measure of the average number of HIB reports in the school district as a measure of variation in district norms and expectations.

RESULTS PART I. SCHOOL VARIATION IN IMPLEMENTATION STYLES

School implementation styles include two dimensions: schools’ approach to the investigation procedure (whether school personnel reported doing a formal investigation of all HIB reports or whether they reported doing an initial inquiry before conducting a formal investigation) and the nature of the criteria used to determine whether an event qualified as harassment, intimidation or bullying (HIB) (whether they focused only on “distinguishing characteristics” or whether they used a broader set of criteria). Based on these dimensions, schools fall into three groups: narrow interpreters (n=6), compromisers (n=20), and broad interpreters (n=22). The *Narrow Interpreters* use narrow HIB criteria and report investigating all HIB reports. The *Compromisers* either use a narrow HIB criteria, but report conducting a preliminary inquiry before opening a formal HIB investigation, or use broad HIB criteria but report investigating all reports. The *Broad Interpreters* use broad HIB criteria and report conducting a preliminary inquiry before opening a formal HIB investigation. Below, we report analyses comparing only the narrow interpreter schools to the broad interpreter schools, which provide the clearest contrast.

Narrow interpreter schools have a lower student poverty rate, fewer students, more suspensions, a smaller student-teacher ratio, a smaller percentage of female students, and are in districts that report fewer HIB events. There was no effect of coercive parents on implementation style.

RESULTS PART II. IMPLICATIONS FOR STUDENT OUTCOMES AVERAGE STUDENT OUTCOMES

Net of controls, on average, students in narrow interpreter schools report *higher rates* of agreement that “Bullying (HIB) is NOT a big problem at this school,” and that “Teachers and the bullying (HIB) rules of this school help solve student conflicts.” Five and 6 percent more students report agreement with these statements, respectively, in narrow interpreter schools than in broad interpreter schools. There is no significant effect of implementation style on students’ average reports of positive and negative experiences with other students, average student GPA, or peer-related disciplinary infractions.

DIFFERENCES BETWEEN WHITE AND LATINO STUDENTS

Net of controls, on average, the difference between White and Latino students’ reports of whether bullying (HIB) is not a problem and whether teachers and rules help solve student conflicts is an average of 5 percentage points and 9 percentage points, respectively, smaller in *broad interpreter schools* than in narrow interpreter schools. This indicates a smaller difference between White and Latino students’ reports and more favorable relative outcomes for Latino students in broad interpreter schools. There is no effect of implementation style on the difference between White and Latino students’ average reports of negative experiences with other students or peer-related disciplinary infractions. However, there is a smaller gap (of 2 percent) between White and Latino students’ reports of their positive experiences with other students in broad interpreter schools than in narrow interpreter schools. Finally, there is a significant difference between narrow interpreter schools and broad interpreter schools in the difference between within-school White and Latino students’ GPAs: on average, broad interpreter schools have almost a quarter of a GPA point smaller difference between White and Latino students.

SUMMARY AND CONCLUSIONS

SUMMARY OF RESULTS

Schools that have more constraints in terms of more students and a higher student-teacher ratio tend to adopt a broad interpreter style while schools with fewer constraints adopt a narrow interpreter style.

Average student reports suggest that students’ perceptions of the prevalence of harassment, intimidation, and bullying, and the legitimacy of school rules and adult oversight, are more positive in narrow interpreter schools than in broad interpreter schools. However, when we look at differences between students based on race, Latino students fare better relative to White students in the same school on many dimensions, including GPA, in broad interpreter schools compared to narrow interpreter schools. Formalized procedures improve perceptions of all students but more individualized procedures reduce differences between types of students.

CONCLUSIONS

This study makes several contributions to the current literature on schools and on policy implementation broadly. First, we argue for the importance of specific organizational practices of implementation, instead assuming mainly symbolic forms of implementation. Second, by linking implementation styles with student outcomes, our study takes a step further in understanding why policies yield the outcomes they do, and under what conditions. Due to the size of the comparative sample, our study provides insights into policy implementation that smaller case study methods cannot. This allows us to theorize about school-based implementation across very different types of schools.

While we often assume that uniformly applied rules in adjudication procedures are fairer and lead individuals to perceive a process as more legitimate, our findings regarding this assumption are more nuanced. Generally, formalized HIB procedures may positively shape student perceptions of peer conflict and the legitimacy of school rules and adult oversight, but they may harm marginalized students relative to their White peers. This finding informs the literature regarding the relative impact of formalized organizational procedures on discrimination (e.g., Dobbin, Schrage, and Kalev 2015).

Given the nature of our evidence, we cannot definitively rule out the possibility that implementation styles are correlated with an unmeasured variable that explains student outcomes. However, we include controls for plausible factors that may account for both implementation styles and student outcomes. Further work will address this issue.

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For more information on this paper or to provide feedback, please contact Hana Shepherd at hshepherd@sociology.rutgers.edu