

THE ECONOMIC COSTS OF BULLYING AT SCHOOL

More than 200,000 students in California each year report being bullied based on actual or perceived sexual orientation based on the 2001-2002 California Healthy Kids Survey (CHKS) – that is 7.5% of students in the 7th, 9th, and 11th grades. This harassment is linked to risk behavior, poor grades, and emotional distress for students. These personal costs are clearly important to individual students, but what are the economic costs of harassment for the school system?

Data from the 2001-2002 CHKS also show that of the students who report harassment based on actual or perceived sexual orientation, 27% said that they missed school at least one day during the past 30 days because they felt unsafe. We use the California Department of Education's Average Daily Attendance (ADA) statistics to estimate the economic costs, or the unrealized income that California school districts would have, if bias-motivated harassment were eliminated from schools. We also present information about the legal costs of bias-motivated harassment based on recent legal action against unsafe California schools.

Key Finding:

Harassment based on actual or perceived sexual orientation costs California school districts at least \$39.9 million each year.

Each year, nearly 109,000 school absences at the middle and high school levels in California are due to harassment based on actual or perceived sexual orientation. Based on the state's school expenditures over a nine-month school calendar year, the cumulative cost to school districts in the State of California is an estimated minimum of **\$39.9 million each year** due to school absences when students feel unsafe to attend school due to fear of being bullied based on their actual or perceived sexual orientation.

Additional Costs:

Legal action against unsafe California schools

In addition to the costs to districts of school absences due to feeling unsafe, several recent legal cases in California highlight the costs to school districts when students take legal action because they have experienced harassment or discrimination based on their actual or perceived sexual orientation and have felt unsafe at school.¹

Flores v. Morgan Hill Unified School District (N.D.Cal. 2003) 324 F.3d 1130: Suit brought on behalf of six former students who were subjected to daily harassment and threats of physical violence and actual physical violence on the basis of their actual or perceived sexual orientation and gender. Resolution: \$1,100,000 settlement.

Massey v. Banning Unified School District (C.D.Cal. 2003) 256 F. Supp. 2d 1090: Eighth grade student alleged she was prohibited from attending physical education class on the basis of her sexual orientation. Resolution: \$45,000 settlement.

Gay-Straight Alliance Network and Loomis v. Visalia Unified School District (E.D.Cal. 2002, No. 1:00-CV-06616-OWW-LJO): Student plaintiff, alleged verbal harassment and name calling by teachers and students, spit on in hallway, put in independent study program (thereby losing ability to attend any U.C. school), subjected to sexually suggestive touching. Resolution: \$130,000 settlement.

Ray v. Antioch (N.D.Cal. 2000) 107 F. Supp. 2d 1165: Plaintiff was harassed, threatened, insulted, taunted and abused based on perpetrators' perceptions of his sexual orientation and because his mother's identification as transgender, beaten by another student causing concussion, hearing impairment, severe and permanent headache, psychological injury, urine soaked towels thrown on him. Resolution: Undisclosed financial settlement.

O.H. v. Oakland (N.D.Cal, April 17, 2000, No. C-99-5123 JCS) 2000 WL 33376299: Harassment,

intimidation, physical abuse because of perceived sexual orientation, raped three times by another student who forced him to leave campus at knife point. Resolution: Undisclosed financial settlement.

Ramelli and Donovan v. Poway Unified School District (Superior Ct., San Diego County, 2005, No.GIC 823157). Jury found that plaintiffs were victims of “severe and pervasive” harassment, and that complaints about harassment were met with “deliberate indifference” by school administrators. Resolution: The trial court awarded \$300,000 in damages combined with attorneys’ fees of \$421,357. Attorneys’ fees for the appeal are yet to be determined.² (Cal. Fourth Appellate Dist., Case No. D047199)

Paramo v. Kern (Superior Ct., Kern County, 2005, No.1500-CV-255519). Principal and other school officials attempted to censor material relevant to LGBT students from school newspaper. Resolution: Undisclosed financial settlement.

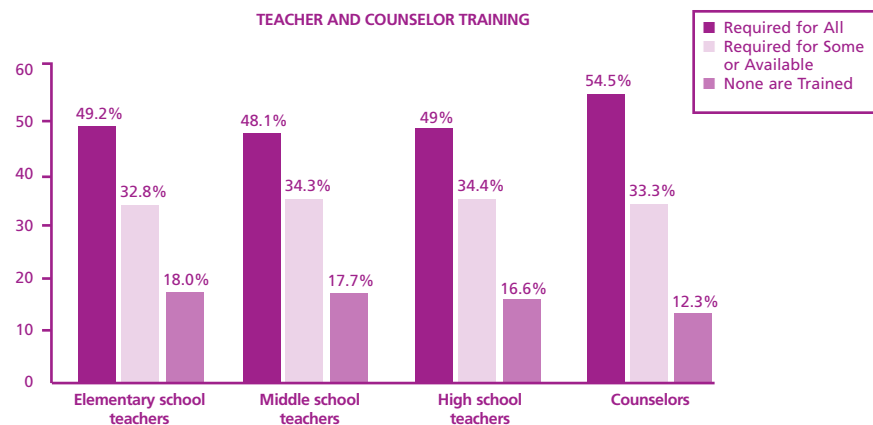
Ramirez v. Los Angeles Unified School Dist. (C.D.Cal. 2004, No. 2:04-cv-08923, 2004) Complaint alleged that administrators allowed “a climate rife with hostility towards and discrimination against students and staff based on their actual or perceived sexual orientation” to fester at Washington Preparatory High School. Resolution: Undisclosed financial settlement.

What School Districts Can Do:

California law explicitly protects students from harassment and discrimination on the basis of actual or perceived sexual orientation and gender identity, appearance and behavior. Teachers, counselors and other school personnel need training in this area, but a recent school policy survey shows that such training is uncommon. Compared to the unrealized state funding due to school absences or potential litigation, the cost of prevention – of training administrative and teaching personnel to create safe school climates – is low.

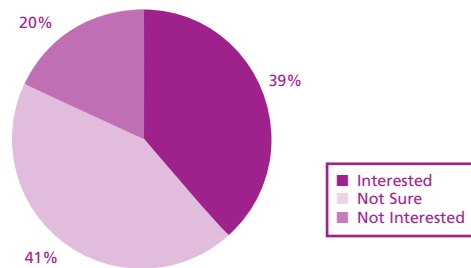
According to the California Safe Schools Coalition’s Safe Schools Policy Survey, less than half of school districts in California currently require trainings on how to address discrimination and harassment based on sexual orientation for their elementary, middle or high schools teachers (see Figure 1). Also, only 54% of districts require that all of their counselors receive such training.

Figure 1
TEACHER AND COUNSELOR TRAINING ON HOW TO ADDRESS DISCRIMINATION AND HARASSMENT BASED ON SEXUAL ORIENTATION IN CALIFORNIA SCHOOL DISTRICTS.



At the same time, Figure 2 shows that almost 40% of districts expressed interest in working with community groups who provide training and curriculum on addressing discrimination and harassment based on sexual orientation and gender identity. Such training could reduce harassment because of actual or perceived sexual orientation, and would protect districts from legal liability.

Figure 2
SCHOOL DISTRICT INTEREST IN HOSTING SCHOOL SAFETY TRAININGS



About the Research:

To document harassment and associated problems for youth and schools, we examine data from the 2001-2002 California Healthy Kids Survey (CHKS). The CHKS is designed by WestEd under contract from the California Department of Education and administered by school districts. The 2001-2002 data analyzed for this study included 7th, 9th, and 11th graders. A total of 237,544 students answered the question about whether they had been harassed or bullied at school because they were gay or lesbian or someone thought they were. In addition, the survey asked students how many times in the past year they had been bullied on school property and defined bullying as “being repeatedly shoved, hit, threatened, called mean names, teased in a way you didn’t like, or had other unpleasant things done to you. It is not bullying when two students of about the same strength quarrel or fight.” In an optional module that a subset of schools administered, students were asked: “During the past 30 days, on how many days did you not go to school because you felt unsafe at school or on your way to or from school?” A total of 49,052 students answered two questions about 1) missing school because they felt unsafe and 2) being bullied because of actual or perceived sexual orientation.

The California Safe Schools Coalition’s Safe Schools Policy Survey was designed to improve understanding of successes and challenges in local efforts to create safe schools and reduce harassment in schools. In the summer of 2004 we mailed surveys to every school district in the state. We received responses from 359, or approximately 36% (out of 1219) of the districts in California, representing 3,478,000 students or 56% of the students in California schools.

Calculating the costs:

The Average Daily Attendance (ADA) is calculated as follows:

$$\text{Average Daily Attendance} = \frac{\text{Total Days of Student Attendance}}{\text{Total Days of Instruction}}$$

We calculated the costs for the 2001- 2002 fiscal year, using data from the California Department of Education:³

$$\text{State Cost (\$) per Student per Day} = \frac{\text{Annual State Expenditures per ADA}}{\text{Number of School Days/Year}} = \frac{\$7,311}{180} = \$40.62$$

- 7.5% of students were bullied because of actual or perceived sexual orientation (7th, 9th, and 11th grades).
- 26.6% of students who were bullied because of actual or perceived sexual orientation during the past 12 months also reported that they missed school during the past 30 days because they felt unsafe.
- The table below shows the calculation of the number of times students reported missing school because they felt unsafe for the students who reported being bullied because of actual or perceived sexual orientation.
- The total enrollment for the 2001-2002 school year in the state of California was 2,678,791.⁴
- We conservatively estimate the annual cost based on a nine month school year, or 180 school days.

Number of days missed ⁵	% Harassed because of actual or perceived sexual orientation and missed school:	# of Absences
1	0.8990	24,082
2-3	0.5321	28,502
4 or more	0.5280	56,576
Total	1.9591	109,161
	\$(Pupil)/(Day)	\$40.62
	(Total Cost)/(Month)	\$ 4,434,399.58
	# of School Months	9
	(Total Cost)/(Year)	\$ 39,909,596.25

References:

1. Information about legal cases from Fifteen Expensive Reasons why Safe Schools Legislation is in your State's Best Interest, published by National Center on Lesbian Rights and GLSEN, available at: <http://www.nclrights.org/publications/pubs/15reasons.pdf>
2. More information available at: <http://www.lambdalegal.org/our-work/in-court/cases/donovan-and-ramelli.html>
3. California Department of Education, Regional Occupational Centers and Programs (ROCP) Apportionment Data for 2001-02, available at: <http://www.cde.ca.gov/ci/ct/rp/documents/apport0102.xls>
4. California Department of Education, 8: Public school summary statistics report for 2001-02, available at: <http://www.cde.ca.gov/ds/sd/cb/sums01.asp>
5. For students who reported missing "2-3" school days, calculations were estimated conservatively based on missing 2 days of school; calculations for "4 or more" were estimated based on missing 4 days of school only.

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