

U.S. Education Department Pushes Anti-Bullying Initiatives on States, Locals

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In the wake of a series of high-profile teen suicides, the Obama administration says it plans this year to promote initiatives aimed at combating bullying in schools. Education Department officials are collecting “best practices” for anti-bullying efforts, and they say the White House will host a conference in the next few months to “raise awareness” of the issue.

The administration’s efforts follow a 10-page “Dear Colleague” letter from the Education Department’s Office of Civil Rights advising school officials they are required under federal law to stop discriminatory behavior.

“Some student misconduct that falls under a school’s anti-bullying policy also may trigger responsibilities under one or more of the federal antidiscrimination laws enforced by the Department’s Office for Civil Rights,” wrote Russlynn Ali, assistant secretary for civil rights, in the October letter.

Student misconduct could trigger action under Title VI of the Civil Rights Act of 1964, which targets discrimination on the basis of race, color, or national origin, and Title IX of the Education Amendments of 1972, which bans discrimination based on sex, Ali said. Ali also cited provisions of the Rehabilitation Act of 1973 and the amended Americans with Disabilities Act of 1994.

“When behavior implicates the civil rights laws, school administrators should look beyond simply disciplining the perpetrators,” Ali advised.

Overreach, Discrimination Cited

While no one is defending bullying, Neal McCluskey, associate director of the Cato Institute’s Center for Educational Freedom, says the federal government should refrain from micromanaging what is fundamentally a local problem.

“It is far better to let local and state authorities handle bullying incidents, because they are much more familiar with the circumstances,” McCluskey explained.

“More importantly, Washington can only step in when specific protected classes of people are involved,” McCluskey continued. “Well, what happens when a kid is repeatedly bullied for being a nerd, or wearing out-of-fashion clothes, or the numerous other things that set bullies off that have nothing to do with being in a protected class?”

“As far as federal protection goes, they are second-class students. That is unacceptable,” he said.

‘No Authority’

Robert Holland, a senior fellow for education policy at The Heartland Institute, notes while there is no “pro-bullying lobby,” neither is there “any statutory or constitutional authority for the federal government to bully school districts and universities into adopting federally prescribed policies for defining and prosecuting bullying.”

He added, “The administration's directive essentially rewrites Title IX, which forbids harassment based on race, color, national origin, sex, or disability, to include gender identity. It is doubtful most parents want these kinds of agendas forced on their local classrooms. Under President Obama, the ‘bully pulpit’ is giving way to plain old bullying.”

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