

Bullying: Ending the Cycle of Violence

A Social and Legal Perspective

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Why are we here?

- **Anti-Bullying Bill of Rights Act** signed into law on January 5, 2011.
 - Requires that all school staff be trained about bullying, prevention, and addressing situations of bullying and harassment and that schools provide training to parents.
- **Beyond the law:**
 - Tragedies abound involving bullies.
 - Children have been “bullied to death” - committing suicide to escape torture.
 - Rutgers student Tyler Clementi committed suicide after his roommate made a webcast of his homosexual relationship.



Why else?

Bullying has been linked to major incidents of school violence.

A recent report showed that the majority of violent school shootings involved perpetrators who had suffered bullying and/or harassment at the hands of peers.

- Those victims often sought help to no avail.



Why else?

Beyond the media attention:

- Bullying has long-term negative consequences.
 - “There is another kind of violence, and that is violence by talking. It can leave you hurting more than a cut with a knife. It can leave you bruised inside.” (victim’s quote from National Association of Attorneys General 2000).



Our Goals

- Define bullying and the most common types of bullying;
- Understand its impacts on victims and schools;
- Develop preventative strategies and remedies;
- Discuss parents' role in bullying prevention and remediation;
- Discuss other options when proactive measures are not enough.



Is bullying getting worse?

- The last frontier of “acceptable” violence?
 - Pervasive attitude that it is “part of growing up.”
- Children being mean to one another is not a new phenomenon.
 - Access to cell phones and social media have made bullying easier and more public.
 - Media attention has heightened awareness and caused outcry for response.
 - Anyone can be a victim.



The Statistics

The 2009 Indicators of School Crime and Safety Report

- Hard to determine the true extent of the problem.
 - 1/3 of teens acknowledged being bullied at school.
 - Only 1/3 of victims reported the bullying.
 - Underreporting hampers educators' and society's ability to address the problem.
 - 44% of middle schools reported problems with bullying.
 - 20% of elementary & high schools reported problems.



The Statistics (continued)

2009 National Youth Risk Behavior Survey

- By the sexes:
 - Males are more likely to experience physical/verbal bullying.
 - Females are more likely to experience social or psychological bullying.




The Statistics (continued)

- Students with disabilities are more likely to be victims of bullying.
 - Nearly $\frac{3}{4}$ of special education students report victimization.
 - Victims may be or appear to be physically weaker or less able to defend themselves than peers.
 - A 2007 British study stated that 82% of children with learning disabilities reported being bullied.
 - Children with ADHD are more likely to be bullied and somewhat more likely to bully others.
 - Children with physical impairments are more likely to be teased as a result of their disability.



“Harassment, Intimidation, and Bullying” Defined (N.J.S.A. 18A:37-14)

Any gesture, written, verbal or physical act, or electronic communication reasonably perceived as being motivated either by any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression or a mental, physical or sensory *disability*, or by any other distinguishing characteristic, that takes place on school property, at any school-sponsored function, on a school bus or off school grounds . . . that substantially disrupts or interferes with the orderly operation of the school or the rights of other students and that . . .



“Harassment, Intimidation, and Bullying” (Continued)

Any gesture, written, verbal or physical act ... and that:

- (a) a reasonable person should know . . . will have the effect of *physically or emotionally* harming a student or damaging the student’s property, or placing the student in reasonable fear of *physical or emotional* harm to his person or . . . property; or
- (b) has the effect of insulting or demeaning any student or group of students in such a way as to cause substantial disruption in, or substantial interference with, the orderly operation of the school;
- (c) *creates a hostile environment at school for the student; or*
- (d) *infringes on the rights of the student at school.*



Defining Bullying (cutting through the legal definition)

- Any Gesture, Act or electronic communication (single instance sufficient)
- Based on real or perceived characteristics (protected classifications PLUS)
- Location can be in school or off school grounds (including cyberspace) provided that the conduct is brought to the attention of the school and materially/substantially impacts the school environment.



Types of Bullying

- Verbal: negative comments/names
- Social exclusion/isolation
- Physical: hitting/shoving/spitting
- Lies and rumors
- Taking money or possessions
- Being forced to do things
- Being threatened
- Cyber bullying: through social media, personal data devices



Why does bullying happen?

- Social view:
 - Bullying is one manifestation of school violence.
 - Contributing factors:
 - Racism
 - Drug abuse
 - Child abuse and neglect
 - Exposure to violence in the media
 - Inadequate parenting



Why else does it happen?

- The role of the individual :
 - Bullying involves the targeting of someone perceived to be weaker or different.
 - 10-15% middle school students are described as bullies.
 - Bullies often share characteristics.
 - Bullies have strong need for power.
 - Bullies find satisfaction in causing injury to others.
 - Bullies may get psychological/social rewards (attention/popularity).



Impacts of Bullying

Victim's experience

- Depression
- Low self-esteem
- Health problems
- Poor grades
- Suicidal thoughts
- Excessive absenteeism
- Avoidance of social interactions



Impacts of Bullying

The Bully's experience

- Later acts of delinquency
- Criminal conduct
- Alcohol dependency
- Heightened aggression
- Poor grades
- Poor performance due to breaking of school rules and failure to observe school expectations.



Bullying and Intellectual Disabilities

- As victims:
 - Students with intellectual disabilities may report bullying less frequently.
 - May not understand bullying behavior; i.e., do not know they are being bullied.
 - May not be able to accurately report the bullying due to communication deficits or doubts relating to credibility.
 - May not be able to effectively self advocate.
 - Bystander involvement and willingness to intervene is critical in these situations.



Bullying and Intellectual Disabilities (continued)

- As perpetrators
 - Students with intellectual disabilities may engage in bullying behavior.
 - If aggressive behavior has been modeled, children may engage in similar behavior (“aggressive victims”).
 - Acts of bullying may be unintentional; i.e., may not know they are bullying.
 - If bullying acts result in rewards, behavior will continue (positive behavior reinforcers).



Bullying and Disabilities - A
complicated link

- Students with disabilities may be victims and aggressors.
 - Effective intervention strategies must be global and local.
 - As parents, we must advocate for awareness and reporting to better protect the victims.
 - May prevent bullying acts as well.
 - Consider interventions in accordance with your child's IEP.



Prevention - The Safe School:
the global answer

➤ Prevention of school violence, including its most prevalent manifestation, bullying, requires the concerted effort and commitment of all stakeholders.

- Educators
- Parents
- Students
- Community at large



Prevention - The Safe School: the global answer

- Commitment to an environment conducive to learning is key to decreasing violence in general.
 - Focus on academic achievement.
 - Promotion of character and good citizenship.
 - Climate of tolerance.
 - Relationships
 - Involved families
 - Links to the community
 - Positive relationships between staff and students and among students



The global answer (continued)

- More on the learning environment
 - Safety
 - Safety issues should be openly discussed
 - Safe forum for discussion of concerns
 - System for reporting and analyzing incidents
 - School monitoring.



The global answer (continued)

- More on the learning environment
 - Support students
 - School wide training on prosocial behaviors and recognition and prevention of violence.
 - Students should be involved in making decisions.
 - Schools should enforce a clear, effective disciplinary policy and policies that support and reward prosocial behavior.
 - Access to counselors
 - Referrals for suspected victims of abuse/neglect



Prevention: The Educators' Role

- The most effective school antiviolenence programs include four strategies:
 - Teaching positive interpersonal skills.
 - Creating a positive, calm environment.
 - Establishing behavior standards.
 - Establishing rules and regulations for responding to violence.



Educators (continued)

- Teaching positive interpersonal skills includes teaching children the following skills:
 - Understanding emotions;
 - Predicting consequences of actions;
 - Thinking before acting;
 - Using group processes to solve problems (cooperation);
 - Nurturing peer and mentor relationships.
 - Teambuilding among groups of students to build awareness and tolerance of differences.



Educators (continued)

- Calm environments (two main components)
 - Classroom specifics
 - Desk arrangement
 - Safe areas
 - Quiet space
 - Educational focus on safety gives students a sense of security.
 - Calms aggressiveness
 - Alleviates fear
 - Promotes good behavior



Educators (continued)

- Establishing behavior standards
 - Written anti-bullying policy
 - Students help to develop a list of rules for acceptable behavior.
 - Cooperation
 - Mutual respect
 - Inclusion
 - Acceptance
- Points for prosocial behavior
 - Attendance
 - Preparedness
 - Performance



Educators (continued)

➤ Examples

- Kindergarten students review the class rules and sign the “contract” to signify understanding and agreement.
- Fourth graders complete assignment during the first week of school on essential information.
 - Bathroom passes
 - Homework completion
 - Bullies are not tolerated
 - Different individuals valuing each other regardless of skin, intellect, talents or years



Educators (continued)

- Responding to violence
 - Consistently enforce code of conduct.
 - Address violations of code of conduct quietly, with little attention.
 - Ignore quiet misbehaving and address later.
 - Rewards for prosocial behavior.



Prevention: The Parents' /Guardians' role

- Prosocial behavior is learned.
 - Give children consistent love and attention.
 - Supervise and guard children.
 - Insist on knowing children's whereabouts.
 - Listen to and talk to children regularly.



Parents/Guardians (continued)

- Model appropriate behaviors.
 - Do not hit.
 - Limit access to violence in the media.
 - Act as role models; settle conflicts peaceably.
 - Avoid name calling, bullying, and teasing.
 - Discourage this conduct.



Parents/Guardians (continued)

- Empower children.
 - Teach personal safety.
 - Teach children advocacy skills.
 - Teach children to speak for themselves.
- Family involvement in child's education.
 - You are a critical member of your child's educational team.
 - Be supportive of school policies and voice disapproval of violence.
 - Supervise school related events.



Parents/Guardians (continued)

- Be an Advocate.
 - Advocate at school for the adoption of clearly articulated policies on non-violence.
 - Advocate at school for the implementation of training and awareness seminars and classes for students.
 - Advocate for recognition of your child's individual needs.
 - Advocate in the legislature for additional dollars for school safety initiatives.



Prevention: Students' role

- Students must -
 - Respect all students, staff, and family members.
 - Refrain from teasing, name calling, and bullying.
 - Resolve disputes nonviolently.
 - Know and follow school rules.
 - Speak up for themselves.
 - Seek help from adults.
 - Report crimes and threats of violence.



Prevention: A shared responsibility

Schools should -

- Offer parenting classes;
- Conduct training for parents on violence prevention skills;
- Give resources to parents;
- Help parents recognize and respond to early warning signs;
- Help parents secure interventions, including mediation and counseling.



Prevention: Early signs that a child needs help

- Educators and parents should be aware of the indicators that a child is at risk.
 - Social withdrawal
 - Feelings of isolation
 - Feelings of rejection
 - Victim of violence
 - Low interest in school; poor academic performance
 - Expression of violence in pictures and writings
 - Uncontrolled anger
 - Impulsive hitting/violent behavior
 - Discipline problems.



Prevention: Signs that a child needs immediate intervention

- Get help immediately
 - Serious physical fighting with peers and family members.
 - Severe destruction of property.
 - Severe rage.
 - Self-injurious behaviors/threats of suicide.
 - Threats of lethal violence.
 - A detailed plan to harm others.
 - Possession/use of firearms and weapons.



Practical Steps for Parents

- What parents should do NOW.
 - Talk about bullying with your children.
 - Explain age appropriate definitions, types, and examples.
 - Talk about consequences.
 - Teach positive behavior through modeling, coaching, prompting, and praise.
 - Teach reporting, including recognition of bullying and how to intervene/respond.



Practical Steps for Parents (continued)

- “Surveillance” takes many forms.
 - Visual monitoring
 - Monitor children’s activities for signs of bullying.
 - Pay attention on the school yard.
 - Pay attention during informal gatherings.
 - Talk to other parents.
 - Monitor children’s use of technology.



The Law: Bullying has consequences beyond disciplinary action

- Federal and state discrimination laws
 - Private enforcement through individual claims and administrative claims.
- Other civil causes of actions
 - Intentional/Negligent infliction of emotional harm
 - Negligent supervision
 - Breach of fiduciary duty
 - Breach of contract
- Criminal sanctions



Criminal Sanctions

- Bullying is a type of violence that may rise to the level of a crime.
- Harassment
 - Language must be threatening; mean is generally not sufficient.
- Bias crime
 - Offense or unlawful act that occurs because of membership in one of the protected classifications (includes disability)
 - Reckless endangerment of children
 - Distribution of child pornography
- Circulation of inappropriate pictures of school aged children.

New Jersey Law

- Antibullying Bill of Rights (N.J.S.A. 18A: 37-13A)
 - Toughest law in the nation
 - Signed into law on January 5, 2011.
 - Key Elements
 - Requires public schools to conduct training, establish safety teams, and implement appropriate discipline for bullies.
 - Detailed procedure for reporting and investigations.
 - Bullying incidents must be reported to the DOE.
 - Schools will be scored on performance.
 - Does not create or alter tort/criminal liability.

New Jersey Law

- Antibullying Bill of Rights (N.J.S.A. 18A: 37-13A)
 - How will it affect you?
 - Investigation process formalized.
 - Must be initiated by principal within one school day of a report. Completion within 10 days.
 - Must be conducted by the School Anti-Bullying Specialist; Principal may appoint others to assist.
 - Results must be reported to Superintendent within 2 school days of completion.
 - Superintendent has discretion to provide intervention services, establish training programs to reduce bullying, enhance school climate, impose discipline or counseling.
 - Results to the Board.
 - Outcome to the parents.

New Jersey Law

- **Antibullying Bill of Rights (N.J.S.A. 18A: 37-13A)**
 - How will it affect you/What will be different?
 - New Personnel Requirements (or new duties for existing personnel):
 - **School Anti-Building Specialists** (primary school official responsible for prevention, identification, and addressing acts of bullying)
 - Chair the School Safety Team
 - Lead investigations of alleged acts
 - **District Anti-Bullying Coordinator**
 - Coordinate and strengthen policies
 - Collaborate with School Anti-Bullying Specialists, Superintendent, and Board of Education

New Jersey Law

- Antibullying Bill of Rights (N.J.S.A. 18A: 37-13A)
 - How will it affect you/What will be different?
 - School Safety Team
 - Must meet at least once per semester
 - Chaired by School Anti-Bullying Specialist (includes Principal, Teacher, Parent of a student, others members at discretion of Principal)
 - Duties
 - Receive reports of bullying complaints
 - Receive copies of investigative reports
 - Identify and address patterns of HIB-Educate community
 - Collaborate with District Anti-Bullying Coordinator

New Jersey Law

- Antibullying Bill of Rights (N.J.S.A. 18A: 37-13A)
 - How will it affect you/What will be different?
 - Retaliation for Reporting explicitly prohibited
 - Employees, students, and volunteers
 - may not retaliate against a victim
 - must report acts of bullying to individual designated in the policy, or any school administrator.
 - Retaliation will be subject to disciplinary action.
 - False allegations made as means of reprisal may also be grounds for disciplinary action.
 - School administrators who receive a report and fail to take appropriate action, may be subject to disciplinary action.

New Jersey Law

- Antibullying Bill of Rights (N.J.S.A. 18A: 37-13A)
 - How will it affect you/What will be different?
 - District must develop a process for discussing bullying policy with students
 - Students must be provided age appropriate instruction focusing on HIB prevention
 - Bullying Prevention Programs are now required.
 - Acts of bullying now may constitute good cause for student suspension or expulsion
 - “Week of Respect”
 - Designated on first Monday in October

New Jersey Law

- Antibullying Bill of Rights (N.J.S.A. 18A: 37-13A)
 - How will it affect you/What will be different?
 - Bullying must result in age and offense appropriate consequences.
 - Broad range from positive behavioral interventions up to and including suspension or expulsion.
 - Factors for consideration of consequences:
 - Development & maturity of students involved
 - Levels of harm
 - Surrounding circumstances
 - Nature of the behavior
 - Prior conduct
 - Relationship between students
 - Context of conduct

What is Haddonfield doing?

- Haddonfield already focuses on character education which is key to prevention of bullying.
- Anti-bullying policy created.
 - Teacher training has already begun with more formal training to follow.
 - Haddonfield in the process of developing safety teams and designating appropriate personnel.
 - Students to be provided with age appropriate education.
 - Formal parent education currently underway.



What can you do if your child is the victim?

- Skip the “easy answers.”
 - “Walk away” does not work in a school environment where the victim and bully must interact daily.
 - Acknowledge your child’s bravery in telling you and develop a script for the next interaction with your child and a plan.
 - The learned comeback is key.
 - Encourage your child to stay in safe groups in high risk areas.



My child is the victim

- Do not “jump in”
 - Do not attack the bully or his family.
- Get help.
 - Report the bullying to school authorities.
 - Maintain a record of the conduct and steps taken.
 - Get counseling (consult school for referrals).
 - Talk to your child throughout process.




What if my child is the bully?

- Do not deny or minimize.
 - Protracted denial exacerbates the problem.
 - Child bullies are more likely to be violent in the future.
- Work with your child's school.
- Punish the behavior.
- Take away the medium of bullying
 - Remove the cell phone or computer.
- Demand apologies to the target and to the school (if the school will allow).



My child is the bully

- Get help for the underlying behavior.
 - Convene a meeting to develop strategies to address aggressive behavior as appropriate.
 - Work with your school leadership to develop a plan for your child.
 - Seek counseling/outside help.



What if my child is “not involved” at all? (this is a MYTH!)

- Statistically speaking, your child will witness bullying, be a victim, or be the perpetrator.
- Minimize the likelihood by focusing on the systemic preventative measures and by talking to your child about BULLYING.



What else can I do to protect my child?

- Monitor your school age children.
 - Drop in on facebook pages
 - Check e-mails
 - Drop in at events
 - Maintain open lines of communication with your children and other parents and teachers.



Questions?

Comments?



Resources

- www.njbullying.org
- www.bullyingstatistics.org
- www.pacer.org/bullying/
- www.how-to-stop-bullying.com
- www.eric.ed.gov
- www.ncdjdp.org
- www.stopbullyingnow.com