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Opinion: Legal protections for bullying victims

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AS A PARENT, I know that it can be heartbreaking to learn that your child is being bullied. Far from “kids just being kids,” bullying can have a devastating impact on a child’s ability to learn and grow. It can make even the best students dread going to school, leading to decreased academic performance and participation in school activities. Bullying has been shown to create or exacerbate mental health issues including depression, and these issues may even follow children into adulthood.

As the 2014-2015 school year begins, parents should remember that while we cannot completely prevent bullying, there are steps we can take and legal provisions available to help protect our children.

First, know that in New Jersey, the law is on our side. While bullying has become an issue across the country, our state was one of the first to institute an anti-bullying law in 2002. The law required school districts to adopt policies to prohibit harassment, intimidation or bullying on school property, at school functions, or on school buses. Each district’s policy had to define bullying behavior, outline consequences for this behavior and create standard procedures for investigations into reports of bullying. However, it became clear in the last decade that the law could be strengthened, as it did not address cyber-bullying and only legally protected students from discrimination based upon gender, ethnicity, sexual orientation and religion.

In 2011, Governor Christie signed the New Jersey Anti-Bullying Bill of Rights Act, which was passed unanimously by both houses of the state legislature. This new law extended

protection to all students against harassment and discrimination, on or off school property and online. It specifically defined cyber-bullying as deliberately intending to harm others through the use of the internet or technology (including devices like cellphones and computers, as well as online communication tools like social media platforms).

While the law provides the legal structure necessary to identify, investigate and address the consequences of bullying, parents must play a leading role in the prevention of bullying. Parents should actively communicate with children on a regular basis in order to recognize changes to their normal patterns of behavior or personality that may be symptomatic of continuing abuse. Warning signs that your child may be the victim of bullying include unexplained injuries, lost or destroyed property, faking illness or reluctance to attend school, nightmares, decreased self-esteem and self-destructive behavior. We should also maintain open lines of communication with our children's teachers, to ensure that a teacher will be an ally in identifying any warning signs that bullying is occurring.

Documentation

If we know or even suspect that our child is being bullied, we should take care to document as much information as possible about the incident. If you have to resort to using the provisions of the anti-bullying laws, this documentation will prove critical in advocating for your child. Parents should document all communication — whether verbal, written or electronic — related to an incident of bullying, which might include interactions between their child and the individuals responsible for the incident, with other parents, or with school personnel.

Additionally, medical records related to any physical or emotional consequences following a bullying incident should be compiled and included for the student's legal protection as necessary.

Of course, we expect that schools will address bullying immediately and forcefully to protect our children. But there have been far too many instances in which teachers and school administrators failed to adequately perceive the severity of bullying directed at a student, and the consequences of that failure were tragic. While parents should not assume that school personnel are willfully failing to act about an incident or pattern of behavior, we should also remember that every New Jersey parent has the right to directly challenge perceived inaction by a school. New Jersey law requires that within 10 days of a reported incident a school must notify the families of all students involved, issue both verbal and written reports to school leaders and commence an investigation.

If a direct request for action from your child's school does not adequately address your concerns, New Jersey's anti-bullying laws provide you with the framework to seek legal remedy.