

The Record

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Opinion: Taking N.J.'s anti-bullying law seriously

By Silvana D. Raso

THE BEGINNING of the school year marks the first anniversary of New Jersey's Anti-Bullying Bill of Rights. The law, which has been called the strictest bullying legislation in the nation, was intended to curtail the bullying, harassment and intimidation that occurs every day in schools throughout New Jersey.

The law has effectively brought the level of awareness and accountability in the school districts to a much higher level by requiring that school employees be trained to understand the effects of bullying, to document all incidents and to work actively to prevent this harassment.

However, most schools view the law as just another bureaucratic issue they must deal with and are not doing enough to protect their students. Until this attitude changes, there is no hope that the law can be effectively implemented and no hope that children will be protected from bullying.

School districts need to understand that bullying is a very dynamic situation and can occur in the classroom, in the playground, out of school and even online.

Districts that fail to deal with the problem of bullying not only put children at risk, they also subject the school as well as the individual members of school boards, who volunteer their time and services, to liability.

If a child is harassed in any manner because of race, ethnicity, national origin, religion, gender, sexual orientation or disability, or even what is perceived to be any of the above, the school's failure to take action, which is effectively to stop further harassment, will subject the school and the board members to a potential judgment for violating the New Jersey Law Against Discrimination.

Board members can be sued

Children who are harassed for any of those reasons have a right to sue their school district and school board members and collect damages even if the harm caused to them was not physical but psychological. Winning such a case against a school district exposes the district to millions of dollars in damages, when punitive damages and attorney fees are included in the verdict, which is legally allowed.

What can be even worse than the monetary damages is the harm caused to the school district's reputation in the community, which has far-reaching consequences not only for those sending their children to those schools, but for those who own property within that school district.

The power to prevent such an outcome is within the hands of every school district, regardless of the amount of funds provided by the state for anti-bullying.

While the Anti-Bullying Bill of Rights has eliminated the excuses used by school officials who claim that they didn't know the protocol when approached by a victim, schools still see bullying as a "child conflict" issue rather than a communitywide problem. This perspective must change if the law is to make any difference for children.

Bullying is ugly and is caused by an imbalance of power. It has become a national problem and should be a concern for every educator and parent who cares about the well-being of a child – both now and in the future.

Simply punishing a child for bullying another is not sufficient to prevent it from happening again. Unless school districts adopt a communitywide approach to dealing with bullying, the law will only serve to make sure that the incidents are well-documented, but not necessarily prevented.

During the last few years, I have represented victims against schools that failed to protect their students from being bullied, some of which involved attacks by former best friends and/or due to ethnic descent. In these cases, the common theme was that the schools did not recognize bullying as a communitywide problem, but rather a problem that was dealt with from incident to incident.

Not isolated incidents

The school districts failed to recognize that these cases were not isolated incidents and that punishing the bully was not going to stop the problem. In such cases, parents of victims were frustrated by the repeated incidents of bullying because the approach of the school did nothing to prevent the problem from continuing and did not shift the balance of power.

Schools must partner with their boards of education and community leaders to get involved to perpetuate the view that bullying is never acceptable. Districts must do more than offer annual presentations and pep rallies to advise students about the dangers of intimidation.

Community involvement

Schools must use other resources, such as coaches, religious leaders and political leaders to let children know that not only is bullying not allowed, that non-action by those who witness the act is also not tolerated. If students who are not involved in bullying are educated to discourage other children from taunting and intimidation, then there is hope that this problem can be eradicated

While the establishment of the Anti-Bullying Bill of Rights is something to be commended, the newly established Anti-Bullying Task Force should work more closely with school districts to show them how to effectively use their resources to stop bullying.

School districts should also build on what is already in place and turn what they believe is a child conflict solution into a community solution. Otherwise, children will continue to be bullied, often suffering emotional and bodily harm, as their schools continue to make excuses.

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