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NJ judge's ruling may spur more schools to sue bullies, families



By [Peggy McGlone/The Star-Ledger](#)

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Thanks to a recent court ruling, school officials now have the ability to get an alleged bully's attention with this simple warning: If your behavior doesn't change, it could cost your parents big bucks.

Superior Court Judge Yolanda Ciccone ruled earlier this month that districts being sued by victims of harassment and bullying can bring the bullies and their parents into the case to share any potential financial liability.

The decision is the first of its kind, lawyers say. And it will likely mean more schools — in New Jersey and across the country — will follow the lead of Hunterdon Central and Flemington-Raritan Regional districts and seek compensation from those who performed the harassing acts, said Claudio Cerullo, founder of the nonprofit organization Teach Anti Bullying and a former New Jersey principal.

"It will send vibrations throughout the country," Cerullo said. "New Jersey is the model for the United States with respect to this issue,

and it was only a matter of time before a district turns around and says we need to offset our costs."

Robert Gold, the attorney for the Hunterdon Central Regional School District, argued that the schools should be able to bring in the students and their families who are mentioned in the lawsuit brought by the alleged victim, identified only as V.B. The lawsuit claims years of harassment, and details incidents in which students pulled down the alleged victim's pants to expose his underwear and threw pasta on him during lunch.

The original lawsuit claims school officials failed to stop the harassment, a charge the district denies.

"When I was reviewing the case, I was thinking the real source of the problem is the children behind the allegations," Gold said. "What kind of parental supervision (was there)? As lawyers, when we look at these things, we ask are there other potentially culpable parties."

"Parents are going to have to supervise and instruct their children not to engage in this conduct, to act more appropriately or more dignified," Gold said.

Threatening financial damages in order to change behavior is not new in legal circles, but it hasn't been tried in the school harassment arena, attorney Silvana Raso said.

"It's a proven strategy. When people have to pay, they will take steps to make sure it doesn't happen again," Raso said. "But people are not using the law as a way to win the lottery. These are parents who are so frustrated by the abuse their child is subjected to."

The tactic was successful for Timothy Wedeen, a Tenaflly attorney who filed a lawsuit in 2012 on behalf of a student at High Point Regional High School who claimed she was ostracized and demeaned by classmates.

The lawsuit sought \$1 million in damages from the Sussex County school district and another \$1 million from the families of the alleged bullies.

"Our main goal was to improve the school experience for the plaintiff, which was achieved pretty quickly," Wedeen said. "The alleged aggressor left the school ... and my client thought of it as a new day."

Both sides agreed to drop the lawsuit as a result of the improved school climate, Wedeen said.

Brian Cige, the attorney for V.B., said his client sued the school — and did not include the families of the alleged bullies — because the basis of his client's claim is that the harassment was discrimination. Just as

an employee would sue his company for harassment, and not his supervisor, Cige's claim targeted the school.

The lawsuit is in the discovery phase, when attorneys request written answers from all parties. While the ruling may complicate the case, Cige said it could have far-reaching effects on other bullying cases.

"This has the potential to have national implications," he said. "A perfect storm of facts and law and timeliness led to a strong decision, and that sends a message to alleged bullies and their parents that they need to take responsibility or dire consequences are possible."