

A Statement from NJ Coalition for Bullying Awareness and Prevention, 6/25/19
In regard to Mallory's Law

The Grossman family deserves our appreciation and support for this effort to strengthen NJ's anti-bullying law, as a meaningful and just response to their daughter's tragic bullying-related death. Their effort helps raise awareness of the importance of bullying as a problem. However, there are two aspects of the law which should ideally be changed.

The main problem in the law is the language which would require schools which have a school resource officer to designate that officer as a lead in addressing bullying (e.g., as an anti-bullying specialist). The problem with making law enforcement more central to addressing bullying in school is that it will inevitably strengthen the 'school to prison pipeline'. That is, students of color (and some with special needs) will inevitably be disproportionately targeted for discipline. This is not speculation – the nationally known work of Rutgers professor Dr. Anne Gregory (and other work) has established the reality of this problem. Some students with mild autism ('Aspergers') have been mistakenly disciplined for making 'terroristic threats', when language that was used only reflects the condition, not an intent to harm. This is likely to occur more often if law enforcement has a more central role. Of importance, the NJ Association of School Resource Officers has indicated it does not want this role for its members.

The other problem with the proposed emphasis on resource officers is that the change would also reduce focus on educator responsibility for addressing bullying to emphasize a law enforcement frame. This misconstrues bullying as primarily a function of individual pathology and behavior (the child who bullies) rather than what it is – by clinician, researcher and advocate near-universal consensus: a function of school culture and climate, for which educators, especially educational leaders – are responsible.

There is a similar problem with the law's proposal that parents of children who bully be penalized, e.g., with increased fines. Again, this approach misunderstands bullying as primarily a function of child and family pathology, and parental modeling and inaction. This not an evidence-based and modern understanding of bullying. Bullying arises and is sustained in schools (and other institutions) by inadequacies in school culture (rules, norms, expectations, leadership modeling, support for vulnerable students, urgent addressing of bullying when it occurs, etc.) and school climate (the way the institution 'feels' to those in it – how warm, welcoming, supportive, etc.). There is nothing about an emphasis on law enforcement-led disciplinary measures, nor penalizing parents, which addresses this core issue.

Elements which would ideally be included in strengthening the ABR would be adding a private cause of action, providing both increased support and discipline for educational leaders who do not adequately prevent and address bullying, and mandating assessment and more transparent and accurate reporting of bullying and other school violence. Modifying the current opt-in survey consent law so that it is opt-out - and therefore allows for more accurate assessment of students' experience of bullying and other problems - is another legislative goal worth pursuing.

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