

INFORMATION FOR PARENTS OF A CHILD BULLIED (5/12/12)

NJ Coalition for Bullying Awareness and Prevention, www.njbullying.org

This information is meant to be helpful for the family of a child who is bullied (mistreated by peers). The best way to make sense of the information provided is to first spend an hour or so reading through the other pages on this website (www.njbullying.org). This will give you basic information about what bullying is, the different ways in which it presents, and other relevant background, including about the new (this year) NJ anti-bullying law.

It is important, first of all, to note that while bullying is the most common form of violence, it is not the only form. That is, there is conflict which is not bullying. *If conflict is bullying it has, by commonly accepted definition, four characteristics:*

(1) It involves negative/harmful acts. It doesn't matter whether those acts are physical (e.g., kicking, hitting) or psychological (e.g., excluding, spreading rumors, name-calling), and whether those negative acts occur in person (e.g., in school) or electronically (e.g., 'in cyberspace', such as via cell phone messages or thru websites such as Facebook).

(2) Bullying is virtually always a pattern of negative acts, not a single incident. The NJ law (and other states' laws) do refer to a single incident because laws must account for every possibility. And there is certainly the possibility that a single incident may rise to the level of bullying. That is, the incident, e.g., of sexual harassment or assault, may occur between an aggressor and target in an encounter in which the targeted child has less power. For example, the targeted (hurt) child may be in a minority group (e.g., be, or be perceived as gay, or have a special learning or health need). And the incident may be so hurtful, or humiliating, or public that even though it is one occurrence, it creates substantial, lasting harm for the targeted child.

(3) In bullying there is an intent on the part of the aggressive child to hurt the targeted child - that's mainly what distinguishes bullying from play or 'teasing'. When children play (e.g., playful teasing, even including playful 'roughhousing'), if it is not bullying, then it won't always be the same child who is the target (e.g., the child teased), and the teasing won't usually (let alone always) be directed at the characteristics or experiences which are the most hurtful aspects of the teased child's life or being. If a child is hurt during play, the harm is unintentional, and therefore the other children who hurt the child will be genuinely remorseful (once they understand the targeted child was harmed).

(4) In bullying, there is always an "imbalance of power" between the child who is hurt and the other child or children. This imbalance of power can be as simple as a difference in strength, height, athleticism, or even aggressiveness. Or it can be a difference based on sheer numbers of friends/supporters, as a marker of popularity. Most often, it is a difference based on some actual or perceived minority status of the hurt child (e.g., the perception that a child is gay, or that the hurt child is in - or perceived to be in - a racial, ethnic, cultural or religious minority, or has a special health or learning need).

The point about **pattern rather than incident** is especially important. When it is bullying, it is virtually never a single incident. In the twelve years that I and others involved in the Coalition have been taking calls from parents of bullied children, in my case an average of a call a day (and often several in a day), I have never once received a call in which a parent said that something bad happened to their child yesterday, and everything before in the child's school career and relations with peers was fine. In most of the calls I've received, the child has been getting hurt by one or more children for months to years. So we say that bullying is a pattern of negative acts.

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Although bullying is the most common form of peer violence, it is not the only form, and **not everything that occurs between children is bullying**. When one child calls another a name, as one incident, in a relationship that seems (to adult observation and understanding, and as perceived by other children) roughly equal (no evident minority status, actual or perceived, for the hurt child, or other difference), it would be premature to decide, simply because the act itself is arguably negative, that the relationship involves bullying. *That does not mean the incident/s should not be addressed*. In fact, intentional hurtful acts which occur between children and of which adults are aware should always be addressed. For very young children (e.g., pre-school to kindergarten) who engage in hurtful acts, whether or not adults present address the behavior makes a critical difference in whether a child develops a bullying pattern of behavior or not, going forward.

In terms of **the difference between bullying and other hurtful acts**, one may reasonably ask how school officials can make such distinctions and decisions. And, in fact, experts on bullying have questioned whether a school official can really determine the "intent to harm" on the part of a child who ends up hurting another, can really determine whether there is an "imbalance of power" between the children involved, and can really be expected to know whether an 'incident' has a 'history' (i.e., is this incident part of a pattern of negative acts toward the hurt child). But the short answer is that school officials can - and should - be expected to be interested in and aware to a significant extent of the social/emotional status and situation of every child in their care. It is that understanding which provides the basis for being able to determine whether a child is being bullied. As a type of 'shorthand', school staff should have a high index of suspicion that if a child is - or is likely to be perceived as - having any minority status in a school, that the child may have a history of being hurt by other children. This is not to say that every school staff member has that degree of understanding of the child. But some staff member should. (to be continued)

This point - that **school staff should expect themselves to be aware of the social and emotional status and social situation of children in their care** (as students) is crucial to everything that may follow, including what parents should expect. When an incident in which a child has been hurt, and which may be bullying, comes to the attention of school staff, the attitude the parent should expect from the school flows directly from this point of school staff expecting to have such awareness. School staff in contact with a parent after an incident should convey to the parent their sense of regret that the child has been hurt, and beyond that their acceptance of a sense of responsibility for social-emotional awareness.

If the staff was not aware of the child having been repeatedly hurt before, the staff should convey to the parent that this is new information for them, that often there is such a pattern, and that if indeed there were prior incidents and they were unaware, that they are regretful specifically because they aspire to be aware of how the children in their care are functioning socially and emotionally and specifically whether the child is being hurt in school/by peers. It is of course possible that the current incident is the first one. The staff should express regret to the parent that this has occurred, empathize with the parent's inevitable sense of distress, and with the child, and express their desire to understand the child's situation and social-emotional status, as well as to understand the incident as fully as possible, including the relations between the child or children. The staff should express to the parent their understanding that bullying is common, that not all incidents represent bullying, but that they will look into what has occurred, and identify any underlying pattern, and take appropriate actions so that the child was hurt can feel safe and secure in the school, and have positive peer relations. The school should then look into the incident - as the law requires. *(continued next page)*

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The attitude described above is unfortunately not what many parents experience. What the parents who call our hotline routinely describe is, instead, an attitude on the part of the school that is defensive, legalistic and not uncommonly accusatory (to the parent and the hurt child). But any expression by school staff which is less supportive and committed than that described in the paragraph above is a failure of understanding and responsibility on the part of the school, or at least a failure of adequate training and support for the school staff who has interacted with the parent.

The person with whom the parent should be interacting at some early point is what the law entitles the school's "anti-bullying specialist." Certainly, that designated person should have the proper understanding and attitude. It is also that person's responsibility to ensure that their colleagues, the members of the school's "safety team" (really a 'climate' team), have **the proper understanding and attitude**. (As an aside, but an important related point: The part of the law that requires all schools to designate an anti-bullying specialist seems to have been obeyed (we have not yet encountered a school in which a staff member has not been so designated). But the law also requires that the name and contact information for the specialist be prominently listed on the school's website and that this information be communicated to parents. We routinely encounter schools in which the required information is not posted or adequately communicated to parents. So that part of the law is apparently not being as well obeyed.)

The anti-bullying specialist or other member of **the school safety (climate) team** should respond to hearing of an incident in which a child has been hurt (and which may be bullying) immediately, that is, the same day, communicating with the child, and the child's parent. By the second school day, some understanding of the incident (and possible underlying pattern) should be achieved. If it does appear to be an incident of bullying, the law designates a ten-day period, overall, in which the incident (and pre-existing pattern, if there is one) is fully understood, written up, and communicated to the parent. The parent of a bullied child should expect that communication to include a description of how the school responds to such incidents and patterns. Schools often cite confidentiality laws as preventing them from communicating with parents of hurt children about the school's response. This defensive/legalistic attitude, purportedly required by confidentiality laws, is misleading and deeply frustrating to such parents.

The school may indeed not be able to share with the bullied child's parent such information as the nature of the bullying child's social situation, psychological/psychiatric background, or disability status, if any, nor what consequences have been applied in each individual case. But **the school should make a strong effort to communicate as fully as possible**. The communication should include the school's description of how staff and administration expect to respond to such incidents, what consequences are typically applied, and what steps the school will take, in an ongoing way, to ensure that the hurt child is safe and supported going forward, including how the school will respond if incidents occur again. Beyond this, if there is indeed a pattern, the school should communicate about its analysis of the pattern, of whether the incident/s reflect a gap or weakness in school culture, e.g., in terms of its support of minority or diverse populations, community linkages, staff training, etc.

In general, **the parent of a mistreated child should never feel that they - the parent - are driving the school's involvement and response**, or pursuing the school for adequate communication. The feeling should be that the school takes ownership of the problem, that it considers itself responsible for addressing the situation of the mistreated child, and for understanding how it is that a child was mistreated (especially if a pattern) 'on the watch' of the school's administration and staff. If the parent is not satisfied with the school's response, the

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parent should turn to the office of the school district's superintendent. In that office is a staff member designated by the superintendent as the "anti-bullying coordinator," as required by the law. The core job of the coordinator is provide/arrange training and support for the school-based anti-bullying specialists, and to ensure that the approach to bullying at the level of the individual school is adequate. The coordinator's response should reflect the same attitude of ownership of the problem, and good communication with parents, as is expected of the school's specialist, team and staff. If the is not satisfied by the district's response, the parent is supposed to turn to the county or regional superintendent of schools.

In a good district, fully obeying the spirit of the law, all of this information, including specific names and contact information, should be prominently posted on the school's (and district's) website. (If the information is not there, a web search will provide the offices and contact information.) The county or regional superintendent's office represents the state Department of Education (DOE). But if the parent is still not satisfied with the response (meaning that what is occurring in the child's school is not adequate, in the parent's view), the parent should contact the state Department of Education, at its office in Trenton, directly. The penultimate step a parent can take, according to the Department of Education, is formally considered an "appeal to the Commissioner" of DOE. After that, there is the possibility of arbitration before an administrative law judge of the Superior Court. Beyond this track of steps as established by the state DOE, there are two separate tracks for obtaining help.

Throughout this process, in our experience, the parent is typically in the position of meeting one-to-one with administrators and staff, often with several at a time. We strongly recommend that when a parent attends such meetings, they do so accompanied by other supportive persons. That may mean two parents or guardians, or a parent and another adult family member, or friend. The key is that the others who accompany the parent are supportive of the parent. The role of the companions is to provide emotional support (which begins with merely being present), to help remember what questions to ask of the school, to take notes, to collect documents, and to be able to discuss with the parent afterwards what has occurred and plan next steps. In our experience, it makes an enormous difference in how the parent is treated if others are present. We have found that schools occasionally discourage the parent from inviting others to be present, sometimes erroneously informing parents that there are confidentiality considerations which preclude the presence of others. We are informed by the Coalition's legal advisors that this in not accurate. It is completely up to the parent whom they wish to accompany them in their meetings with administrators and staff, and how many persons they wish to include.

As this discussion implies, support is a critical issue. **The best and most powerful support a parent can have would come from other parents** with similar concerns or experiences. Ideally, the parent of a hurt child has knowledge of and ready access to other parents whose children have been hurt, in the past, or still at present. Such parents can provide valuable advice and support, including presence in meetings/discussion with school staff. However, and oddly by any reasonable understanding, many parents of children who have been hurt lack such knowledge of other parents and access to them. In many schools, participation in the parent-teacher association or parent-teacher council is very limited. And many schools do not have an active parents organization even for parents of children with special health or learning needs.

One caution about meetings with school representatives. In such meetings, the school representative may wish to focus the conversation entirely on the social status, social

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skills, situation and background of the mistreated child. While this may be appropriate to some extent, we urge the parent to limit such a focus. What is of equal, and perhaps greater importance, is a focus on how the school itself deals with peer and child mistreatment and relations, including the school's policies and procedures, and how the school intends to deal with the situation of children systematically (repeatedly and pervasively) hurting peers.

There are a few other **considerations and options for the parent of the repeatedly mistreated child**. Most families cannot afford to hire lawyers to advocate for them (or represent them in lawsuits), and at present we are not aware that private attorneys are taking cases on a contingency basis. This situation is likely to change soon. The recent publicity around a 4.2 million dollar verdict in a bullying case in Ramsey, and other large settlements or verdicts else in the country, is likely to encourage private lawyers to consider contingency cases. Meanwhile, options for obtaining lawyers in low-resource situations are limited, but still important.

If the mistreated child has a 'disability' known to the school (e.g., has an IEP), or is (or is perceived to be) in another minority (e.g., perceived by other students to be gay, or in a minority racially or ethnically) and targeted on that basis (as indicated by name-calling or other acts, certain legal resources are available. The NJ Division on Civil Rights (www.njcivilrights.gov) is a part of the Attorney General's office that deals specifically with protection and advocacy for adults and children who are targets of bias. Bias-based bullying targets minority status of any kind. Any parent may call the Division and describe a situation in which their child is being targeted by other children in which the bullied child's difference is the focus. The Division has about fifty investigators and lawyers, who will listen, and may call the school to investigate further. At the very least, when a school receives such a call from the AG's office, it lends strength to the parent's request for action by the school. In some cases, in which the bullying is clearly bias-based and of long standing and severity, the Division may bring legal action on the child's behalf. One of the most famous and influential NJ bullying cases, LW vs Toms River Regional School District, several years ago, was brought by the Division and won.

Another newer legal option, for the past year or so, is a program of the Education Law Center, a pro bono (or charitable) law project. In return for free training (provided by the Coalition, among other experts), dozens of private and non-profit organization lawyers have agreed to provide representation for bullied children whose families could not otherwise afford attorneys. Several such cases have already been brought, and favorably settled. Legal Services of NJ (lsnf.org) has also stated that it will advise and advocate for bullied children, but I am not aware of the status of its services at this point.

In summary, parents should expect that schools should be aware of the social and emotional status of the children in their care, and especially aware of the status of children especially vulnerable – by virtue of minority status, for example, or isolation/lack of social support. Parents should expect that schools will respond immediately and vigorously to the awareness that a child has been/is being hurt. Parents should expect that school staff will communicate with them supportively, non-defensively, openly and actively. If these expectations are not met, parents should make every effort to access more support, and pursue justice more actively.