

We don't know how many kids are bullied in school, officials say. We need to change the law to find out.

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New Jersey educators and community advocates are working hard to prevent and address bullying and ensure a safe and secure learning environment in our schools. In certain ways, the Garden State has been a national leader on this critical issue. But unfortunately, one area in which New Jersey lags is in the collection of adequate, accurate data about what our students experience in their schools. That's partly because an outdated law imposes needless barriers to asking students about violence, addiction, sexuality, and other important issues impacting youth lives. It's past time for lawmakers in Trenton to remove this legal roadblock.

That outdated New Jersey law requires "prior written informed consent from a student's parent or legal guardian" before surveys on sensitive topics can be administered to students. While this may sound sensible at first glance, in practice it means that students cannot take surveys on such important topics as mental health struggles, suicide ideation, and bullying — unless their parents take the proactive step of "opting in" for their children to participate. The result of this law requiring parents to "opt in" to survey participation is that some surveys receive too few responses to be published and used. Most notably, the [New Jersey Department of Education's Student Health Survey](#) — currently the only survey including state-level bullying questions — has not reached the required 60 percent response rate for publication since 2013. Thus, for more than half a decade, the Education Department has expended time and resources in an effort to collect crucial data directly from students, only to be unable to use it fully due to low participation rates. This failure can be directly attributed to the law's opt-in requirement.

The current opt-in law makes New Jersey an outlier when compared with other states' data collection practices. The Student Health Survey uses questions from the Centers for Disease Control and Prevention's Youth Risk Behavior Survey, which gathers both nationwide and state-by-state data. Yet New Jersey is one of only 11 states that failed to meet the participation threshold in 2017 (and four of those because they don't participate in surveying at all). Therefore, New Jersey-specific data is not included in the CDC national report, limiting our use of it, including our ability to compare our progress to other states.

More critically, the current law hinders the state's ability to learn about student needs. For one thing, not including data from students whose parents opt not to have their children report these experiences inevitably limits obtaining a full picture. Also, while many students who are bullied do not tell school officials at the time, they do tend to mention incidents of bullying when surveyed. Thus, tools such as the Student Health Survey serve the purpose of capturing previously unreported incidents of bullying. Robust participation in such surveys increases the accuracy of the results, which can then be used to develop improved policies to protect students.

Because the opt-in law requires parental action for survey participation, simple inertia on the part of busy parents and families ends up preventing the state from collecting vitally important data about students. By switching to an "opt out" process, the Legislature can provide families with both choice and privacy, while simultaneously not stacking the deck against valuable data collection. It's time to up the ante in the statewide fight against bullying. In order to do that, the Legislature must amend the law to allow for surveying of students' experiences, unless parents choose to opt out.

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