

DO YOU BELIEVE YOUR CHILD IS BEING BULLIED OR HARASSED IN SCHOOL?

How does the law define bullying?

Harassment, which includes, bullying and intimidation, can take place between one or more students against another student, or between a teacher, or other school employee against a student on school property, at school sponsored functions, or on a school bus.

Kinds of Harassment/bullying include:

Physical, such as spitting, pushing, stealing, hitting the student

Verbal/Written (including internet postings, texting), such as name-calling, threats, taunting, teasing the student

Psychological, such as avoiding/excluding a child, extortion, intimidation, spreading rumors **about the student**

Usually, there must be repeated incidents, and/or the conduct must be considered severe, and/or the conduct may cause the school climate to become hostile, intimidating, or offensive to the student.

The bullying or harassment is **motivated by certain characteristics** of the student **whether or not the student actually has these characteristics**, such as:

Race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, mental, physical or sensory disability, or any other distinguishing characteristic

The bullying or harassment must harm the student, or damage his/her property, or cause the student to be afraid that he/she or his/her property will be harmed, or cause disruption or substantial interference with the orderly operation of school.

Signs of Bullying

(According to New Jersey Coalition for Bullying Awareness and Prevention and New Jersey's Youth Consultation Service)

Children who are bullied may show these signs:

Increasingly withdrawn or wanting to be alone

Significant drop in grades

Significant change in eating habits

Unexplained injuries, bruises or cuts

Comes home from school with torn, damaged, or missing clothing, books and belongings

Uncomfortable with peers

No or few friends

Physically weaker or smaller than peers

Academically weaker or different than peers

Has a difficult time defending him/herself

May pretend that nothing is wrong because of feelings of humiliation
May become reluctant to go to school, or take school bus
May claim to be ill, or start to get stomach and/or head aches, or nightmares

Children who bully may have one or more of the following characteristics:

Aggressive towards or tease students who are weaker than him/herself
Poor self-esteem/sensitive about criticism despite appearance of confidence
Have been bullied themselves outside of school
Popular with peers/ good student

What can parents do?

As soon as parents become aware of potential bullying, they should report the incidents of harassment in writing to the principal and their child's teacher.

Parents should report the incidents of harassment by a teacher or other staff member, in writing, to the principal, appropriate teachers, and, if applicable, the Director of Special Education and case manager, as well as the school Superintendent and the local Board of Education.

Physical and Sexual Abuse should be reported to the police.

Parents should ask the Principal or the Superintendent for copies of the school district's policy regarding harassment and the student code of conduct.

What can parents do, if their child has special needs?

Because students with disabilities are more likely to be harassed than other students, parents/other caregivers should pay special attention to changes in their child's attitude towards school and behavior at home.

Parents can be pro-active in helping the school create a safe climate for their special needs child by discussing this issue with teachers and the principal and if possible, by being involved in their child's school

If their child is in Special Education and has an IEP, report any incident in writing to the Director of Special Education, their child's case manager, the principal and the teacher who has witnessed the complained of behavior.

What must the school do?

Schools have a duty to protect children in their care from harassment by other students or by school staff – but only if they know, or should have known about it.

Every school district must include in its written code of conduct, a statement that the following conduct is prohibited: student- on-student harassment, intimidation and bullying, retaliation against someone who reports an act of bullying , harassment and intimidation, and making false allegations of bullying. This statement must also be included in the student handbook along with the consequences for this conduct.

Every school district's written policies must include a procedure for reporting bullying/harassment and a remediation plan aimed at stopping this conduct.

Once a report is made, the school principal must immediately investigate the complaints by speaking to the concerned individuals as well as appropriate staff.

School districts must provide training and education regarding their harassment policies to staff, students and offer training to parents.

If the Principal concludes that harassment occurred, appropriate consequences could be: a reprimand, temporary removal from class, deprivation of privileges, detention, in school or out-of-school suspension, legal action, including an expulsion.

Remedial measures that a school district should implement to prevent further harassment could include: Student counseling, parent conferences, referral to the child study team for a behavioral assessment or evaluation, behavioral management plan, small or large group presentations to fully address the unacceptable behaviors and responses to such behaviors, mediation and peer support group counseling and adoption of research based bullying prevention programs, a school wide assembly, professional development plans for staff, revision of past school policy and procedures, modification of student routes to and from school, use of adult monitors in hallways, cafeteria, and on busses.

When a student with disabilities is the victim of harassment: The IEP or Section 504 plan should include provisions, plans and goals to address these issues, including possible change in placement.

The school district must take reasonable steps to end the harassment, bullying or intimidation.

What should parents do, if despite reporting the incident/incidents, the school has not taken reasonable steps to end the harassment or bullying?

If the incidents don't stop, parents should contact, in writing, the Superintendent, the Board of Education, and the Director of Special Education to request that alternative remedial measures be taken immediately.

If the school district still has not taken **reasonable steps** to stop the bullying or harassment, parents may file a complaint with the New Jersey Division of Civil Rights, Department of Law and Public Safety, Newark, New Jersey. In addition, if a child has an IEP or Section 504 plan, a parent may file for mediation or Due Process with the Office of Special Education at the New Jersey Department of Education.

For further information, you may contact one of ACNJ's attorneys at our Children's Legal Resource Center, or one of the many other excellent resources for information and assistance, including the following:

Education Law Center, Newark, New Jersey. 973-624-1815 or www.edlawcenter.org
New Jersey Coalition for Bullying Awareness and Prevention at www.njbullying.org
Youth Consultation Services Center for the Prevention of Violence, East Orange, New Jersey: 973-854-3649 or www.ycs.org
New Jersey State Bar Foundation: 1-800-FREE-LAW or www.njsbf.org
New Jersey Division of Civil Rights, Department of Law and Public Safety (609) 984-3100 (Trenton office) or 973-648-6262 (Newark office) or www.njcivilrights.org
American Civil Liberties Union of New Jersey, Newark, New Jersey: 973-642-2084 or www.aclu-nj.org
New Jersey Department of Education: 609-292-4040 or www.state.nj.us/education