



Gay Lesbian and Straight Education Network – Massachusetts Chapter

**Testimony Before the Commission to Review Statutes Relative to the
Implementation of the School Bullying Law**

**Re: Hearing to address potential changes to the General Laws and to
review parental responsibility surrounding bullying and cyber-bullying**

February 9, 2010

Good morning Attorney General Coakley and members of the Commission and thank you for your leadership on the important issue of school safety. My name is Danielle Murray and I am Co-Chair of GLSEN Massachusetts – a chapter affiliate of the Gay, Lesbian and Straight Education Network. For 20 years, GLSEN has worked to assure that each member of every school community is valued and respected, regardless of sexual orientation or gender identity or expression. I am grateful for the opportunity to offer this testimony on behalf of GLSEN and GLSEN Massachusetts.

The issues of parental rights, responsibilities, and liability discussed here today are essential to building a community-wide environment where bullying and harassment are not tolerated. GLSEN fully supports healthy communication between educators and parents to realize the successful educational development and well-being of every student.

Student safety is the ultimate goal of our state's anti-bullying law. But current parental notification policies have the potential to actually leave students

less safe. Instead of a strict requirement that principals promptly notify parents under all circumstances, GLSEN supports specific language that allows principals to measure the educational appropriateness of notification and consider the health, well-being, and safety of any involved student prior to any parental notification. A policy like this acknowledges the fact that there are certain situations where strict notification requirements can actually put students at risk and allows principals to do what is in the best interest of the student under those particular circumstances.

The issue of notification is particularly important to LGBT students who may depend on confidentiality about their sexual orientation or gender identity for their safety, not just at school, but also at home. LGBT students and even straight students who suffer from sexual orientation- or gender identity or expression-related bullying may be inadvertently “outed” to their parents through this notification process. Familial bias against LGBT people can result in consequences for students such as familial rejection, physical or verbal abuse, ejection from the home, or other negative stressors. It is well established that that LGBT youth are at an increased risk for depression and suicide often relating to familial rejection or disapproval. According to the 2007 Massachusetts Youth Risk Behavior survey, LGB youth are up to four times more likely to attempt suicide than their heterosexual peers. Family rejection significantly increases the likelihood of a suicide attempt. Research shows that LGB youth who experience high levels of rejection from their families are more than eight times as likely to

attempt suicide than their LGB peers who report little to no family rejection. Rejection from one's family can also lead to homelessness for many LGBT youth. The National Gay and Lesbian Task Force estimates that in Boston alone, between 150 and 300 LGBT youth utilized emergency shelter services. This evidence presents a compelling reason for this commission to consider any unintended consequences of the parental notification policies on LGBT students.

Furthermore, a policy that does not allow a principal to consider educational appropriateness and the health, well-being, and safety before notifying parents could discourage LGBT students from reporting bullying or harassment. LGBT students often have a reasonable fear of being outed due to the sometimes severe consequences of bias against LGBT people. If students know that a principal is required under all circumstances to notify their parents after they report an incident, such students will be left with a terrible choice- either endure the bullying behavior in silence or risk being outed to their parents. An LGBT student in this situation may truly feel that they are in a hopeless situation, as they cannot report to educators (who under the proposed regulation must provide notice to parents), and therefore they will be forced to hide the fact of their own victimization. Unfortunately this is a situation faced by LGBT students throughout Massachusetts, and it stands in sharp contrast to the purpose of the School Bullying Law, which is to make it easier for students to come forward to report bullying and harassment.

In reviewing parental notification laws, GLSEN Massachusetts urges the Commission to develop regulations that will not further victimize or endanger students who suffer from sexual orientation- and gender identity/expression-based bullying and harassment. We recommend that the Commission review the excellent guidelines recently established by DESE on this subject.¹

Furthermore, in reviewing potential changes to the General Laws, GLSEN would like to emphasize the importance of an enumerated definition of bullying. GLSEN's research demonstrates that a crucial part of addressing bullying and harassment in schools is through the adoption of enumerated anti-bullying policies, meaning policies that include a listing of characteristics that are commonly targeted for bullying and harassment. Enumeration is necessary to ensure that anti-bullying policies provide protection for ALL students. Students who attend schools with enumerated policies report less bullying and harassment, a higher rate of intervention by teachers, an overall increased feeling of safety, and such students are more likely to report incidents of bullying and harassment when they occur. However, students in states without enumerated laws have the same experience of bullying as students in states with no anti-bullying laws at all. While we are encouraged by the fact that partial enumeration was included in the Department of Elementary and Secondary Education model anti-bullying policy,

¹ *Guidance of Notifying Parents When a Student has been Bullied Based on Sexual Orientation or Gender Identity/Expression*, Implementation of 603 CMR 49.05, MDESE, January 2011.

enumerating the definition of bullying would make Massachusetts law even safer for the state's students.

Comprehensive anti-bullying legislation, including effective communication between educators and parents, is a necessary aspect of ensuring school safety in Massachusetts. We thank you for examining these important issues and urge the commission to work together to craft policies that will provide all Massachusetts students with a safe, supportive educational environment. Thank you for your time. I look forward to answering any questions you may have.