

LEGISLATIVE ORDER TO MAKE RECOMMENDATIONS ON BULLYING AND CYBER-BULLYING LAWS

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Biography: Dr. Christopher Overtree is a clinical psychologist, school consultant, and professor of psychology at the University of Massachusetts Amherst. He is the Director of the Psychological Services Center (www.umass.edu/PSC), a community mental health center at UMass and he specializes in treating children, adolescents and their families. As the Co-Founder for the Center for School Climate and Learning (www.TheCSCL.org), he works with schools to develop comprehensive school improvement strategies with a focus on using data to drive reforms in both social and academic contexts.

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Oral Testimony

Incidents of bullying in Massachusetts schools, as well as others across the country have drawn attention to the destructive interactions that some of our children experience in their schools, their home communities, and in the online environment. One of the common themes I have observed in my work is that when schools do not have clear guidelines, in the form of policies and laws, educational and social standards are often interpreted in extremely variable ways by individual school administrators or districts, leading to highly discrepant policies and practices that may reflect personal opinions or biases rather than established community standards. Without clear laws, students' rights are not standardized or universally protected.

Massachusetts' recent anti-bullying legislation clarifies the roles and responsibilities that schools have in reducing bullying. But we must also realize that real solutions do not lie in our ability to squash negative behaviors, but rather to promote more positive ones. The bullying law should be thought of as a back-up plan, used to address the outliers in an otherwise more proactive, positively oriented strategy. Like any law, this one tells children what *not* to do, but fails to teach new behaviors or promote different values and norms. Legal prohibitions are different from social solutions, and this is the key to understanding the strategies needed to address bullying.

For those of us who work in the area of school improvement, "anti-bullying programs" miss the broader point by failing to focus on the promotion of comprehensive improvements in school climate. In a position paper on the development of national school climate standards, the National School Climate

Council has defined school climate as “the quality and character of school life,” and the “characteristics that foster children's development, learning, and achievement.” The importance of being comprehensive in promoting school improvements was obvious in a recent visit to a Massachusetts school whose anti-bullying program consisted of posting a copy of the new bullying law in the hallways. This ineffective action solidified a point I have been making in schools for many years; broad, comprehensive school climate reform is the most effective way to address bullying, and may in fact be the only way to bring about sustainable change. The Massachusetts bullying law is an excellent start, but there are additional measures that might enhance its effects.

The new bullying law requires that schools provide “evidence based,” “age-appropriate instruction on bullying,” develop plans to address “bullying prevention and intervention,” and to provide teachers and staff with “ongoing professional development” to “prevent, identify, and respond to bullying.” What is missing is a requirement that schools gather valid and reliable data about their strengths and weaknesses, and that this data be used to select, adapt and implement appropriate interventions. In medicine, an accurate diagnosis is needed to select the most appropriate evidence-based treatment. Similarly, precious educational resources should not be spent on the first anti-bullying program that comes across a principal's desk. Interventions must be chosen to address problems specifically identified in a thorough climate assessment, using data solicited from students, teachers, administrators and parents. My work relies on a validated and anonymous survey, something that improves the honesty and accuracy of the responses. In Massachusetts, school climate would be enhanced by endorsing statewide measures for assessing school climate, as well as requiring that this data be used to make informed choices about evidence-based interventions.

My work with schools also relies heavily on engaged students working in leadership positions. Students exert powerful influences that can shape the direction of a school, and our growing problems with bullying may represent this power becoming misdirected. A student leadership model must be incorporated in efforts to promote a positive school climate, and because student input is not always solicited, legislation might define specific roles that students can play in climate reform. Not only does broad, representative student involvement lead to sustainable change, but it creates the environment of active bystanders so often referred to as a potential strategy in bullying reduction.

Schools that struggle with school climate problems at the student level, often experience similar difficulties at the staff or teacher level. In fact, negative student behaviors can look very similar to the disrespectful adult behaviors they often witness at school, in their home communities, at school board meetings, or in the political arena. In my work, I have often witnessed the remarkable potential that superintendents, principals, teachers and other administrators have to promote either a positive or a negative climate depending on their attitudes and willingness to embrace change. Perhaps the performance and tenure evaluations of school

administrators and teachers might emphasize the importance of being a positive role model, contributing citizen, and promoting a respectful school climate.

This commission may also wish to consider whether the new law is specific enough to truly standardize the reporting responsibilities that principals have in response to incidents of bullying. In the state of Massachusetts, school personnel are mandated reporters, and thus required to report incidents of abuse or suspected abuse to the Department of Children and Families. As a clinical psychologist and mandated reporter, my knowledge about abuse that occurs in *any* setting triggers a legal mandate to make a report. School personnel who are aware of abuse that occurs in schools have always been mandated reporters, and I believe were legally required to report bullying even prior to the enactment of the bullying law. Legislation should be clarified to ensure that all incidents of bullying in schools be reported, removing individual judgment from the equation and permitting more accurate data about bullying in schools to be collected without the interference of individual misjudgments or biases. Such a recommendation need not standardize the legal or school-based response, but will ensure that the public is made aware of incidents as they occur.

Finally, in the wake of the suicide of Phoebe Prince, information about her mental health history was sometimes used to suggest that her death may have been caused by mental illness rather than the harassment she experienced. It would be wrong to attribute a suicide to any one single cause, but more importantly, mental illness should not be thought of as a mitigating factor in cases where bullying becomes associated with extreme consequences. Research shows that people often blame the victim in order to cope with events they might otherwise have difficulty accepting. But struggling with a mental illness likely makes individuals more vulnerable to the effects of bullying, and thus justifies even more legal protections. Legislation should offer specific and enhanced protections to individuals who are more vulnerable to bullying because of mental health issues or other disabilities. Our research has shown that bullying is more often perpetrated against children in categories that do not receive special federal protections such as sexual orientation or body size. In contrast, federal protections against discrimination for race, religion or gender do appear to have an impact, thus suggesting that specific protections might play a role in minimizing the impact of bullying on our most vulnerable children.

Finally, as it is painfully obvious that bullying is just one of many problems that our educational system faces, I want to share an important, and positive research finding. In settings across the country, research consistently demonstrates that effective school climate reform enhances academic outcomes by approximately 11% without any additional academic reforms. Thus, improving school climate need not be thought of as an additional responsibility for schools, but rather an essential tool that supports their primary mission.