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**TESTIMONY OF MATTHEW ENGEL TO THE
COMMISSION ON BULLYING PREVENTION
FEBRUARY 17, 2011**

My name is Matthew Engel and I am a Senior Attorney with the Disability Law Center in Northampton where I have worked for the last twenty-five (25) years. I have particular expertise in education law, including school-based disciplinary exclusions as well as restraint and seclusion.

While there are many important issues related to implementation of the new law, the issue of school culture is paramount. Schools must address problems of bullying within the larger context of how staff relate to students and vice-versa. If staff do not treat their students with respect and instead attempt to impose authoritarian and punitive codes of conduct, students will inevitably treat each other with less respect. In my work conducting investigations of schools which have high rates of restraint and seclusion and disciplinary exclusions, I am repeatedly reminded of the fact that in order to effectively address the problems, there must be a top-down examination of the school culture. Schools which, through strong leadership, implement programs of positive behavioral supports inevitably improve their school climate and the academic performances of the students. There is a vast amount of evidence-based support for this proposition. Innovative programs such as Peer Mediation and Restorative Justice help students to develop a sense of responsibility and empathy for others.

Student on student bullying is without question a serious problem and there must be serious consequences for such behavior. I am concerned, however, when terms such as "Zero Tolerance" are used to describe anti-bullying policies. In the context of school discipline policies, it is well documented that such policies have failed to improve student conduct or create safer schools. Instead, they have produced higher numbers of students dropping out of school and increased rates of incarceration. Administrators must ensure that investigations are conducted in a careful, impartial manner and just as importantly, administrators must be able to use discretion in deciding what

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consequences best meet the interests of all involved parties. There is a danger that over-zealous reactions to allegations of bullying will create another path for the school to prison pipeline, especially where administrators already think the alleged perpetrator should be removed from school. For this reason, I respectfully disagree with Elizabeth Scheibel's recommendations about referring more cases to law enforcement.

I am in agreement with the sections of the statute that pertain to students with disabilities. There needs to be special consideration given to students who have impairments in social and communication skills. Behavior which might appear to be odd or insensitive does not constitute an act of bullying. I have observed that many incidents or conflicts are characterized as bullying behavior when they do not actually meet the definition of the term.

Thank you for your consideration of these comments. Please feel free to contact me if you have any questions or if I can be of further assistance.