



Written Testimony of Massachusetts Appleseed Center
Submitted February 25, 2011
Commission To Review Statutes Relative to Implementation of the
School Bullying Law

My name is Joan Meschino. I am the Executive Director of MA Appleseed. MA Appleseed promotes social justice by bringing together pro bono lawyers and community partners to develop systemic solutions for community needs. Over the past two years, MA Appleseed has developed particular expertise on the intersection of school discipline, zero tolerance and youth entering the juvenile justice system through its signature project, "Keep Kids In Class," whereby we seek to mitigate the effects of school disciplinary proceedings on the increasing rates of drop-outs and juvenile delinquency.

Thank you for this opportunity to submit testimony on the Bullying and Cyber-Bullying Law. As you contemplate the questions of whether bullying or cyber-bullying should be criminalized and what constitutes appropriate parent accountability, we offer these comments for your consideration.

While the new bullying law is forward thinking in some ways, it leaves certain important concerns unaddressed and puts at-risk students at greater risk for punitive disciplinary action.

Unfunded mandates shift the focus from bullying prevention to discipline. The bullying law mandates professional development and the incorporation of bullying prevention into the school curriculum yet provides no funding. School districts that are unable to implement prevention plans in a meaningful way and/or to provide adequate staff training will look to the one piece of the law that they can implement immediately: discipline. Under current Massachusetts law, school administrators already have broad discretion to remove a child from school for a broad range of infractions. MA Appleseed is concerned that school districts will use suspension and expulsion as discipline to demonstrate compliance in this highly charged political climate.

Given the existing climate of "zero tolerance" policies throughout many Massachusetts school districts, MA Appleseed is greatly concerned that children already at-risk for suspension and expulsion will be subjected to an even greater incidence of these consequences. Zero tolerance policies appear to have the attraction of fairness in that all students must be treated equally under the policy. However, the end result is unfair to the many more students who become at risk of being swept up in the zero tolerance net and pushed out the school doors.

Ironically, literature suggests that zero tolerance does not actually make schools safer.¹ Aggressive use of suspension and expulsion from school as discipline only serves to alienate children from school, grow the drop-out rate and fuel the school-to-prison pipeline.

School climate matters. MA Appleseed believes that a key to addressing bullying is a focus on prevention. First linked to learning outcomes in 1908, school climate has become a focus of educators and policymakers in recent years.² Research has shown that focus on school climate is necessary to facilitate any attempt at school reform.³ School climate refers to “the quality and character of school life. It is based on patterns of school life experiences and reflects norms, goals, values, interpersonal relationships, teaching, learning and leadership practices, and organizational structures.”⁴ While characterizations of school climate tend to be subjective, school climate can have both a direct and indirect effect on student outcomes.⁵

Educational stakeholders acknowledge that school exclusion need not be the only answer to behavioral or safety concerns. Some school districts within Massachusetts are starting to look at what can be done to cultivate a school climate where students and staff feel supported and engaged and where students’ positive social development is integrated into the educational regime.

Numerous alternatives to zero tolerance policies exist. Examples of such alternative approaches include positive behavioral intervention supports, restorative justice, social and emotional learning, safe and responsive schools and trauma sensitive learning.

Data is fundamental to understanding the efficacy of the new bullying law. Good policy begins with good data. Yet, the bullying law does not require schools to collect data on bullying or to report on implementation of bullying plans. Without collecting any data on the incidents of bullying or the consequences that stem from it, it is impossible to evaluate the efficacy of the bullying law. School administrators have less of an incentive to implement alternatives to exclusion in the face of bullying absent information to self-evaluate their practices or the existence of another accountability system.

Bullying is a serious problem. We already have enough “consequences.” Ultimately, if we give schools what they need to enable school administrators to focus on creating positive school climates, the rest will follow.

Please do not hesitate to contact us if we can be of further assistance or provide additional information.

¹ AMERICAN PSYCHOLOGICAL ASSOCIATION ZERO TOLERANCE TASK FORCE, ARE ZERO TOLERANCE POLICIES EFFECTIVE IN THE SCHOOLS? AN EVIDENTIARY REVIEW AND RECOMMENDATIONS 43 (2006) (“[R]ather than making a contribution to school safety, suspension appears to have a negative relationship with indicators of a positive school climate.”).

² See CTR. FOR SOC. & EMOTIONAL EDUC., SCHOOL CLIMATE RESEARCH SUMMARY - JANUARY 2010, at 1 (2010), *available at* http://www.schoolclimate.org/climate/documents/SCBrief_v1n1_Jan2010.pdf.

³ *Id.* at 1, 5.

⁴ CTR. FOR SOC. & EMOTIONAL EDUC., SCHOOL CLIMATE GUIDE FOR DISTRICT POLICYMAKERS AND EDUCATION LEADERS 3 (2009).

⁵ *Id.*