



Physical Anthropology Section - 2013

I26 Anti-Bullying Legislation: Have the Laws Gone Too Far or Are They Still Insufficient to Combat Bullying?

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After attending this presentation, attendees will understand the impact of bullying on children, schools, and the community. Attendees will understand the need for anti-bullying legislation and the issues that have risen since some of the laws have been implemented.

This presentation will impact the forensic science community by providing an update of anti-bullying legislation and placing it into a clinical and forensic context.

Over the past several years, with the increase in teenage suicides, social networking, and community awareness, bullying has become recognized as a community health problem as well as a political issue. Over the past three years, there have been many high-profile cases of teenage suicides precipitated by bullying, which then prompted state laws to change. Phoebe Prince, a 15-year-old Irish immigrant, killed herself in South Hadley, MA, on January 14, 2010, after being bullied by several students in her high school. On September 22, 2010, Tyler Clementi, a Rutgers' freshman, jumped off the George Washington Bridge after being outed over the internet by his roommate. Jamey Rodemeyer committed suicide in Buffalo in September 2011 after being tormented by cyberbullies.

These and many other tragic cases influenced a change in the law regarding bullying. In response to Tyler Clementi's death, New Jersey passed an "anti-bullying bill of rights." Since 2002, New Jersey had an adequate anti-bullying law in which some school districts complied and others did not. The new bill, passed in 2010, which went into effect in September of 2011, made it clear that responding to threats of bullying and intimidation was not optional. The problem with the New Jersey law and several other new state laws regarding bullying is that they did not provide the funding for schools to uphold them. In January of 2012, the law was declared unconstitutional because it was an "unfunded mandate" that funneled resources away from other programs. The law was well intentioned but did not provide the resources necessary to implement the programs mandated in the law.

In a recent article in *The Wall Street Journal* called, "Stop Panicking About Bullies," Mr. Gillespie questions whether or not America is "really in the midst of a 'bullying crisis.'"¹ He does not believe that childhood bullying is on the rise. He also feels that the laws designed to prevent bullying are "likely to lump together minor slights with major offenses." He feels that children today are tamer and less mean than children growing up in the 1970s and 1980s. While there may be some truth to this, children growing up in the 1970s and 1980s did not have access to email, social networking sites such as Facebook and Twitter, or mobile phones. Children who were bullied thirty years ago were most likely only bullied during school hours and home served as a somewhat safe haven. Today, children can be potentially exposed to bullying every time they turn on their computer or smart phone.

After high-profile cases such as the deaths of Phoebe Prince and Tyler Clementi, there have been new state legislations mandating schools to have formal policies against bullying. This presentation will address some of the new laws designed to prevent bullying in schools, and the issues that have arisen since these laws have been in place.

Reference:

- ¹ Gillespie N, Stop Panicking About Bullies, *The Wall Street Journal*. March 31, 2012, Page C1.

Bullying, Legislation, Schools