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Sam Bernstein is our founder, of counsel, and retired shareholder.



## BERNSTEIN BOOKS

For over 45 years, The Sam Bernstein Law Firm has been committed to the community. We are passionate about educating the public about the law, safety issues, and challenges that face Michigan families every day. We believe that knowledge is power and the more we know about the problems, the better chance we have of achieving the solutions.

We are a compassionate law firm that honors a family tradition and spirit of service to our clients and community. We help each other to do noble work that serves justice, strengthens each other, enriches our lives, and helps people.

The attorneys at The Sam Bernstein Law Firm have over 510 years of collective experience. They work hard every day for Michigan families. Bernstein Book publications are just one of our efforts to help inform Michigan residents about the important issues that affect their lives.

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## Introduction

Sadly, about 1 in 4 children become the victims of bullying in schools across America each year, often because of their appearance, personal characteristics, or orientation. It can be a traumatic experience that may haunt them for a lifetime.

In recent years, bullying has become an even greater problem through the expansion of the internet and the availability of social media. Some kids even resort to drastic measures because they find it difficult to live with being bullied. Most states have put laws in place to combat bullying, but many believe these laws do not go far enough.

Schools often become the focus of blame, because they cannot always prevent bullying of their own students. Teachers and schools see this problem every day and are on the front lines to stop it, but they need help.

The fact is, bullying is not a normal part of growing up. It is a hindrance to our youth and to the future of our society.

It is essential that you know how to spot a child who is being bullied and the best ways to prevent it. The information in this Bernstein Book will help you deal with the bullying that harms your loved ones and your community.

# *Chapter 1*



## *The Bullying Crisis*

## The Bullying Crisis

### What is Bullying?

Bullying is a problem that many children encounter while growing up. It can be a painful experience, both physically and emotionally. Too many news stories about bullying have had heartbreaking endings. It is time to separate the myths from the facts and understand the tragic reality about this serious problem facing our youth today.

Let's begin with the facts. The U.S. Department of Health and Human Services (H.H.S.) defines bullying as "unwanted, aggressive behavior among school aged children that involves a real or perceived power imbalance." Bullying is either repeated, or has the potential to repeat. This is how we differentiate bullying from other random acts of aggression.

There are three major types of bullying: Verbal, Physical, and Indirect.

- **Verbal Bullying** is the saying or writing of upsetting things. This may include teasing, name calling, inappropriate sexual comments, and verbal threats.
- **Physical Bullying** includes harming a person or his or her possessions. This may involve tripping, hitting, kicking, and having one's belongings broken or knocked over.
- **Indirect Bullying** is done behind the victim's back. This focuses on hurting a person's relationships and reputation. This may be experienced through the spreading of rumors, being embarrassed in front of others, and being intentionally left out.

There are many different ways people bully others. Bullying can occur face-to-face or with a phone using voice or text. Some people engage in bullying over the internet, which is known as Cyber Bullying. You can learn more about Cyber Bullying in Chapter 2 of this book.

People bully others for many different reasons. Sometimes people need to put others down to feel better about themselves. Sometimes they are confused about differences they perceive in others. Many persons with disabilities and members of the LGBT community face bullying their whole lives. When people bully by labeling a person, it is referred to as Label Bullying. You can learn more about Labeling in Chapter 3 of this book.

Below are some common beliefs and attitudes about bullying. Please take a moment to read them and think about if you have ever felt this way.

♦ **Bullying is Visible:**

**MYTH.** In fact, bullying usually occurs in places where adults are not. It is wrong to think of bullies as kids who make a scene in the center of a crowded hallway. In many cases, the most aggressive youths are the most likely to behave best when adults are around. This can give adults a false sense of security when looking for bullying. While an adult may believe two children are just fooling around in the corner of the playground, it could be some form of verbal or indirect bullying. In a national survey, 1 out of 3 students who were bullied never brought it to the attention of an adult, perhaps because the victims feared retaliation from a bully or lack of action from an adult.

♦ **Bullies and Victims are Either One or the Other**

**MYTH.** In fact, many children in bullying situations are both bullies and victims in their lifetime. These bully-victims are a serious concern. They have the highest rates of alcohol and tobacco use and are the most likely to have suicidal thoughts.

- ♦ **Bullying is Uncommon and Doesn't Happen in My Neighborhood**

**MYTH.** Sometimes we hear the tragic story of a child taking his or her own life or the lives of others because of bullying. However, this is not the whole story. Although national studies show that nearly 1 in 3 children in grades 6 through 12 admit they were bullied, the number of victims probably is even higher because some do not want to admit it. No matter where we live, it is likely that bullying is a real problem in our own neighborhood. Researchers found similar rates of bullying across all socio-economic and racial groups, and in rural, urban, and suburban communities.

- ♦ **Bullying is a Normal Part of Growing Up that Builds Character**

**MYTH.** The prevalence of something should never be the reason for its acceptance, especially an action that is known to have long-lasting effects on our children. The fact is that bullying has been tied to increased anxiety and depression, which may continue into adulthood. Victims also may have lower test scores and GPA. Some children who feel afraid or embarrassed of a situation at school will skip or drop out. Bullies themselves may continue their antisocial or violent behavior well into adulthood. Parents can -- and should -- make a difference for their kids by initiating conversations with them about bullying and, if necessary, taking action to prevent it.

## *Chapter 2*



## *Cyber Bullying*

## Cyber Bullying

CYBER BULLYING occurs when people use cell phones, computers, and tablets to bully others. The rise of this practice has posed a new problem in the fight against bullying. No longer can children leave school and go home to feel safe. Now others can harass them on Facebook, Twitter, blogs, emails, and cell phones. Studies vary on the number of children who are cyber-bullied. One report stated that 6% of students in grades 6 through 12 admitted to experiencing cyber-bullying. Another report showed 16% of the students in high school claimed they were cyber-bullied in the past year. Other research showed that 1 out of every 2 adolescents had experienced cyber bullying.

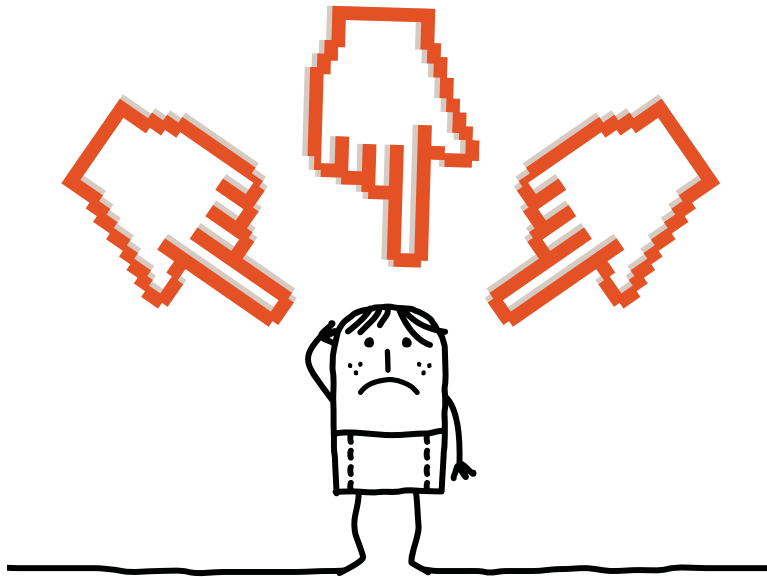
Cyber Bullying often involves Verbal or Indirect bullying. In some instances, bullies directly harass their victims through websites or text messages. Alternatively, bullies may rally others against a person by spreading rumors, creating a “group” mocking the person, or using a hash tag to mock them.



Many children who engage in cyber bullying see it as a harmless joke because they are not face-to-face with the person they are harassing. In reality, it can be more hurtful to the victims, who may feel that they cannot escape and that everyone on the internet is against them.

Those who bully online or in text probably are not considering the long-term consequences to themselves. In fact, most electronic communications are stored and can be tracked. Down the road, potential employers may be able to find out that an applicant participated in mocking other people. Even if cyber bullies eventually stop this behavior, their early communications may still haunt their future.

Helping someone overcome cyber bullying can be difficult. For some ideas and resources on how to help, please refer to Chapter 4 and the Parent Guide.



## *Chapter 3*



## *Label Bullying*

## **Label Bullying**

Many bullies pick their targets because of some perceived difference between the bully and the victim. Bullying with labels is usually either verbal or indirect bullying, although it can lead to physical violence against the victim. Bullies use many different labels. We have addressed a few of them here.

### **Race and Ethnicity**

Some children are labeled because of their race or ethnicity. An individual may become the target because of skin color, cultural background, or country of origin. A youth who engages in racial or ethnic bullying may turn to even more destructive behavior later in life. If you see someone bullying another person because of race or ethnicity, try to help the victim. You can get some ideas about ways to be a better bystander in Chapter 6 of this book.

It is important that parents set a good example by their own tolerant behavior. This means not using slurs or stereotypes about people of other races, ethnicities, and cultures. It is also a good idea to help your children learn more about other racial and ethnic groups.

### **Religion**

In addition to being bullied for cultural differences, some children are bullied because of their religious faith. This may occur between people of different religions, or even within different sects. For example, Catholic and Protestant Christians or Sunni and Shia Muslims may bully each other over differences in their doctrines or practices. At times, it occurs because the bullies misunderstand the victim's religion. In recent years, biased media coverage has focused on negative stereotypes and contributed to expressions of hostility and bullying of Muslims, Hindus, and Sikhs.

Parents should set an example for their children by promoting tolerance and acceptance of other religions. Avoidance of negative stereotypes is just as important as it is with dealing with people of different cul-

tures. If you think your child holds a grudge or negative perception of those with another religion, consider taking your child to a community center or museum, which more objectively depicts the beliefs and practices of that religion.

### **Physical Features**

Children often are bullied based on their appearance. They may be labeled as “fat” or “ugly.” Sometimes, bullies will taunt classmates based on something as trivial as hair color. Other physical characteristics, like wearing eyeglasses, also may become the target of bullying.

Parents can set a great example for their children by not making fun of others for their appearance. Teaching children that personality and conduct are the important factors will not only help them learn to treat others with respect, but also realize what is important in how they present themselves to others.

### **Sexism and Gender**

Gender labeling has several forms. One method is bullying based on whether a person fits a narrow stereotype of “acceptable” male or female behavior. For example, a bully may target a boy who cries when he falls down or a girl who wants to play football instead of hopscotch on the playground.

Another method is bullying based on sexual orientation or activity. This may include mocking a person’s orientation or perceived orientation, or an individual’s actual or perceived sexual activity or lack of activity. One study reported that 25% of girls in grades 8 through 12 stay home or skip classes because of sexual bullying.

Parents should teach their children to accept people based on who they are as individuals. By looking past gender stereotypes, children can see and appreciate the value of each person and their interests independent of gender. Parents should also have thoughtful conversations about

sexual activity and health to help children learn important facts and values and find ways to avoid letting pressure or abuse from other children change their own behavior.

### **Lesbian, Gay, Bisexual, and Transgender (LGBT)**

LGBT bullying is nothing new, but has become more common. Studies show that 9 out of 10 LGBT youth reported some type of bullying because of their sexual orientation. Nearly a quarter of LGBT youth are victims of physical bullying.

Recent news stories have shown the tragic consequences of the bullying experienced by LGBT youth. In response, the “It Gets Better” project was created to help LGBT youth get through the difficulties often associated with being LGBT in school. If you or someone you know is struggling with this, please visit [www.itgetsbetter.org](http://www.itgetsbetter.org) for information and support.

### **Special Needs**

Many children with disabilities are at an increased risk of being bullied. Not just physical disabilities, but also developmental, intellectual, sensory, and emotional disabilities can be bullying targets. This may be especially difficult for children who struggle in social situations or are physically vulnerable. Even small problems, like food allergies, can be turned into a bully’s tool against a child.

Parents need to pay extra attention to any signs and symptoms of bullying in children with special needs. Some children struggle to recognize the difference between playing and bullying. Others want to overcome the bullying themselves, rather than tell an adult. If you feel your child has become a bullying victim or may need special accommodations at school, please see Chapter 7 of this book and the Parent Guide.

## *Chapter 4*



*If Your Child is a  
Victim of Bullying*

## What can a parent do if a child is a bullying victim?

### Signs your child is being bullied:

Many times, children won't tell their parents that they are being bullied because they are ashamed or are afraid that the bully will retaliate. That's why it's important to look for signs that something is wrong.

Does your child:

- Come home with bruises, cuts, ripped clothing, missing belongings, etc.?
- Refuse to go to school in the morning or complain of having frequent stomach aches, headaches or other illnesses that require parents to keep the child home?
- Show a sudden loss of interest in school and schoolwork?
- Appear depressed and moody or become tearful for no reason?
- Become socially isolated with few good friends?
- Rush in to go to the bathroom after getting home from school? Bullying often takes place in the school bathroom because adults aren't present and it's easy to block the exit.
- Get in trouble at school? At times, the child who is being bullied lashes out in response.

### What to do if you believe your child is being bullied:

- Ask your child what is going on if you suspect that bullying is occurring. Find out the names of the others involved and the details of what happened.
- Keep a detailed log of any incidents and print out copies of online texts, emails, or Facebook messages. Monitor your child's online activity. See Chapter 2 for more information.
- If you feel your child is not safe physically and is at high risk of physical harm, take immediate action to protect your child's safety. If the bullying is occurring on the way to or from school, either take your child to school or make arrangements for another adult to do so.

- If you suspect your child is being bullied but your child won't talk to you about it, seek out another adult he or she can talk to, such as an aunt, uncle, grandparent, family friend, school counselor, or therapist.

Children who bully seek to intimidate and isolate other children. Ignoring this behavior may not make the conduct stop. But responding with confidence, assertiveness and humor can help stop the bullying. If children who bully don't get the response they're seeking – anger, fear, or sadness – they may move on and leave your child alone. Role play with your child to help him or her develop confident responses and reactions to taunts that will won't give the instigator the reaction he or she was seeking.

### **What NOT to do if you believe your child is being bullied:**

- Don't assume or imply that your child did anything to instigate the bullying.
- Don't try and fix the situation. Instead, talk with your child about strategies to use when the bullying occurs. Ask questions like: "What do you think you could say the next time this person says . . . ?"
- Don't tell you child to ignore the bullying or to "toughen up."
- Don't tell your child to retaliate.

These are not strategies that will prevent future incidents. Instead, the above tactics could make the situation worse or get your child in trouble.

### **Who to talk to if you believe your child is being bullied:**

Do not directly approach the parents of the child, because this can make the situation worse. Instead, contact your child's teacher, school counselor, and principal. Instead, you should make an appointment to talk with your child's teacher, the school counselor, or psychologist, and the principal to discuss the situation. Explain what has happened and ask how these educators plan to intervene and ensure that your child feels safe at school.

Do not agree to a scenario where the child identified as the bully and your child are brought in together to talk with the teacher or principal about what happened. They should be interviewed separately. Bullies will often try to minimize their conduct and even blame the other child, which can cause further intimidation. Remember that children who bully often act out only when no adults are present and they will usually deny any wrongdoing.

Levels of anti-bullying training differ from school to school, so do not assume that educators at your school have received specialized training in effective ways to deal with bullying situations. If your child's school does not have a comprehensive anti-bullying program in place, you can recommend that the school and/or district officials act to provide training and institute a school-wide program.

If you feel that school officials are minimizing what happened or deny that bullying occurred, seek out their superiors. Principals typically report to an assistant superintendent and school districts have an individual who supervises counselors. You can also appeal to elected school board members and the school district superintendent if your child attends a public school. For charter and private schools, there is not a publicly elected school board, but there may be appointed board members whom you can contact. If your child attends a charter school, you can find out which agency reviews the school's charter for renewal and directly report the problem to that agency as well.

### **What to do if you suspect your child may have suicidal thoughts:**

Get help immediately. Seek out a professional counselor or a psychiatrist. If your insurance plan does not provide mental health services and you cannot afford to pay out-of-pocket, seek out free or low-cost mental health services in your community. You can also call national toll-free suicide hotlines listed below.

The National Hopeline Network:	1-800-SUICIDE (800-784-2433)
National Suicide Prevention Lifeline:	1-800-273-TALK (800-273-8255)

## *Chapter 5*



*If Your Child is Bullying Others*

## What can a parent do if your child is bullying others?

Children who bully are not just angry outsiders looking for a fight. In fact, many are popular, do well in school and relate well to adults. The common factor is a lack of empathy and a willingness to harm another to advance in the social pecking order.

If your child's school contacts you about a bullying incident, keep an open mind. Ask yourself whether or not your child:

- Often excludes others
- Is unkind to younger children and animals
- Is physically aggressive
- Uses intimidation or taunts to get his/her way
- Lacks empathy
- Blames others for bad behavior or doesn't take responsibility for actions.

These are some of the traits found in children involved in bullying. Many children who bully will behave well when they know adults are watching. Try to pay attention when they think you are not paying attention to see if their behavior changes.

### Modeling behaviors at home

Creating a loving and stable home environment goes a long way toward protecting your children from many social problems. Research shows that children are less likely to bully others or become victims if their parents do not hit or yell at them.

Children can learn many of the following behaviors from their parents. In your home, is there:

- Use of intimidation tactics to discipline your child: threats, put-downs, taunts, hitting?
- Use of threats, anger or intimidation to get your way?
- Use of slurs or intolerant conduct toward those who are different from you?

Through parental guidelines and behavior, you can set a good example for your children to follow. Here are things you can do to help prevent your child from engaging in bullying behavior.

- Discipline your child through teaching rather than violence
- Be patient and understanding with people
- Treat all types of people with the dignity they deserve
- Limit your child's access to violent video games or movies
- Monitor your child's computer usage
- Ensure that your children do not have access to dangerous weapons

Children who may be participating in some form of bullying can change. If you are unsure of what to do if your child is bullying others, please consult the additional resources in the Parent Guide.



**IT'S SO NOT COOL!**

## *Chapter 6*



## *The Role of a Bystanders*

## The Role of the Bystanders

The role of the bystander is critical in preventing bullying. Research shows that bullying typically involves a group dynamic, where others egg on the instigator or witness what is occurring. This can be done actively by directly telling the bully to continue. It can also involve passively encouraging the behavior by laughing or participating along with the bully. Other bystanders allow the bullying to continue by ignoring the issue and walking away.

Empower your child to be an active bystander who speaks up and defends the child being bullied. Also, encourage your children and their friends to not exclude or isolate other students but to make children feel welcome and part of a larger group.

A program called BullyBust works to convince people to change from bystanders to “Up-standers”. Up-standers are people who recognize something that is wrong and act to make it right. To learn more about their program, please visit [www.SchoolClimate.org/BullyBust](http://www.SchoolClimate.org/BullyBust).

As a parent, if your child reports to you that another child at school is being bullied or if you witness a bullying incident, report it to your child’s teacher or the school’s principal.

## *Chapter 7*



## *Legal Options*

## Legal Options

There has been much debate in recent years on what legal remedies are appropriate when bullying occurs. Many states put laws in place to combat the problem. Some states only regulated actions on school property, while others went much farther. Michigan decided to land somewhere in the middle.

The State of Michigan passed “Matt’s Safe School Law” on December 6, 2011 (MCL 380.1310b). Under this law, “Bullying” means any written, verbal, or physical act, or any electronic communication, that is intended or that a reasonable person would know is likely to harm one or more pupils either directly or indirectly” when any of the following criteria are met:

- Substantially interfering with educational opportunities, benefits, or programs of one or more pupils.
- Adversely affecting the ability of a pupil to participate in or benefit from the school district’s or public school’s educational programs or activities by placing the pupil in reasonable fear of physical harm or by causing substantial emotional distress.
- Having an actual and substantial detrimental effect on a pupil’s physical or mental health
- Causing substantial disruption in, or substantial interference with, the orderly operation of the school.



Michigan requires schools to make policies and procedures to deal with bullying. The law, however, does not go much beyond occurrences on school property or at school-sponsored events.

Parents who believe that their children’s school is not following the law or is not doing enough to stop students from bullying, can contact the Michigan Department of Education at 517-373-3324.

If the bullying is due to one’s race, color, national origin, sex, religion, disability, or age, parents can also contact the U.S. Department of Justice or

U.S. Department of Education and file a complaint.

In the complaint, please be sure to include:

- Your full name
- Address
- Telephone number & email address
- Name of the individual(s) discriminated or harassed (if known)
- A description and location of the incident (what school, who was involved, etc.)
- Any other information you believe may be relevant.

You can contact the U.S. Department of Justice's Civil Rights Division by:

Email: [education@usdoj.gov](mailto:education@usdoj.gov)

Telephone: 1-877-292-3804

Facsimile: (202) 514-8337

Letter addressed to:

U.S. Department of Justice Civil Rights Division  
950 Pennsylvania Avenue, N.W.  
Educational Opportunities Section, PHB  
Washington, D.C. 20530

You can contact the U.S. Department of Education's Office for Civil Rights by:

Email: [ocr@ed.gov](mailto:ocr@ed.gov)

Telephone: 1-800-421-3481

Facsimile: (202) 453-6012

Online: <http://www.ed.gov/about/offices/list/ocr/complaintintro.html>

Letter addressed to:

U.S. Department of Education  
Office for Civil Rights  
Lyndon Baines Johnson Department of Education Bldg.  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202



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