THE BACKGROUND

On April 18, 1999, a tragedy now known universally as “Columbine” became the crucible for a targeted awareness on school safety. Today, after the tragic, albeit different shootings at Sandy Hook Elementary School in Connecticut have similarly become etched in the national consciousness, it is sometimes hard to remember that schools remain by far the physically safest places any person can be in a 24-hour period. The odds of winning the most competitive lottery are actually a better bet than being killed in a school.

Schools are not, however, the safest places in our communities when it comes to emotional or intellectual safety—and this is especially true for those who are “different.” Children with special needs, gender non-conforming students, and others who have trouble fitting into the wider
School culture are at particular risk for being targeted. Too many schools foster toxic climates that allow, and in some cases even promote, the unethical treatment of others, particularly for those with physical/visible as well as cognitive/invisible differences and challenges.

Initial reaction and recommended remedies shortly after Columbine focused exclusively on the physical aspects of schools that threaten student safety: the presence of firearms and other weapons in schools. What has subsequently become clear is that no combination of metal detectors, sign-in procedures, ID tags, clear backpacks, and so on will stop these determined and driven young men who themselves have disabilities. Subsequent research on school shootings has sought to uncover the roots of the problem and combat knee-jerk reactions. For example, we now know, as one study concluded, that “the typical shooter is a male student who has been ostracized by the majority group at his school for some time, and has been chronically taunted, teased, harassed, and often publicly humiliated.” In other words, in most cases of school violence, it is not about keeping people out; it is about ministering to those students legitimately in attendance within the school who became outcasts from the school culture in significant part because of toxic school climates in which they were treated inappropriately simply because being different was not acceptable.

Such climates saw students with identifiable differences mistreated by school community members (peers and adults), marginalized by their peers by being teased, taunted, excluded, physically assaulted, and called names mercilessly and maliciously—and this had escalated over time. Such cruelty was overlooked at the very least, and condoned in far too many cases, because the differences were seen to be “fair game” for attack. All of the students tried to get help from adults who supposedly were there for them—and sadly, were not. They all had layers of personal problems, from special education identification to serious mental health diagnoses, depression, and anxiety, and family issues that no child or adult would ever choose or want to endure. Many were students with identified special needs. Finally, most attended schools where the cultural boundaries for acceptance were narrow and their differences were simply too great to allow them to fit in. These students were too “different” and strange for the schools they attended.

Yet looking to those who are targeted for their differences (disability, social skills deficits, affect, personal appearance, weight, personality, etc.) to self-advocate and change who they are is not reasonable; a paradigm shift is required to change the wider school community to accept and celebrate all differences. A student with cerebral palsy cannot nor should not have to talk or walk like neurotypical peers. A student with Down’s syndrome cannot nor should not have to perform or socialize on par with neurotypical peers. A student with Tourette’s syndrome cannot nor should not have to speak like or have facial expressions identical with neurotypical peers. A student with ADD/ADHD cannot nor should not have to sit still or focus on command as is required for neurotypical peers. The list could go on indefinitely.

Up to this point, I have not yet used the word “bullying,” choosing instead to use the words “cruelty,” “taunted,” or “being marginalized.” I have done this purposefully. While it is now well known that most school shooters were subjected to significant peer cruelty, in some notable cases it was just not called bullying. The word itself is highly problematic, both in theory and in practice. As I will discuss later, this is one of the most critical barriers in managing the problem of bullying for all children, but it is especially important for children with special needs because they are at such an increased risk for being targeted.

Research around school bullying has been conducted worldwide for nearly 50 years. Throughout all of this well-respected research and in countless other studies, books, and articles, bullying is portrayed as a critical problem in American schools. It is also well documented that the intersection of bullying and special educa-
tion is an under-researched area, even though it is also well known and recognized that children with special needs are three to six times as likely to be targets of bullying behavior because of their physical and/or social differences that make them inherently more vulnerable than their neurotypical peers.

For example, in my state of Connecticut, as is true for the remainder of the nation, inquiries and issues around bullying that come from local schools to the attention of the state Department of Education (CSDE) involve children with special needs at least 50 percent of the time, even though only about 10 – 12 percent of children in schools are officially identified and have IEP’s or 504 Plans. An all too common way these bullying allegations involving children with special needs (targeted children) are brought to the attention of the CSDE is demonstrated by the following conversation with a parent:

“My child has Asperger’s (ADHD/ a learning disability/Tourette’s/a processing disorder/etc.), and has just been suspended.” The conversation uncovers that the targeted child was being picked on/made fun of/had personal property harmed/laughed at/tripped/etc. and attempted to seek help from a teacher. That teacher advised the child to “tell him you don’t like it,” “move your seat,” “play with someone else,” “pretend it’s not happening,” “ignore it,” or in other directions that in essence tell the child, “SELF ADVOCATE!” This is the very thing that is impossible for the child to do because of the power imbalance and the disability. The child seeks out other teachers for help and gets the same responses. In frustration and embarrassment, the child finally tells his or her parent or guardian, who becomes infuriated that this has been going on and no adult is intervening to make it stop. Then the parent or guardian storms into the school, often extremely angry and volatile. The administrator receives this person and promises to “take care of it.” But the administrator also mentions that, “I can’t talk about the case.”

Not being aware of FERPA, the Family Educational Rights Privacy Act, the parents or guardians are typically left further infuriated and not understanding why they can’t know what they believe they have a right to. The administrator then will conduct an investigation and typically deliver some mild negative consequences to the perpetrator(s), such as some detention or suspension. Rarely, if ever, are the consequences constructed in order to get to the root causes and have the perpetrator(s) understand the harm they created and change their behavior. Consequently, when the detention/suspension has been served, the perpetrator(s) are emboldened and increase the level of targeting. The child with special needs then decides that adults are not helpful in changing the way he or she is treated, and at that point takes matters into his or her own hands and breaks one of the schools’ nonnegotiable, zero tolerance rules such as hitting. That is when adults take action regarding what is going on, and instead of seeing the behavior as a reaction to being targeted, it is seen as “you broke a rule that has no exceptions…you are suspended!”

Helping children who are targets too often is viewed as teaching them how to self-advocate, which puts the responsibility of interrupting and stopping the hurtful behaviors squarely on the shoulders of that target and not on other upstanders, whether students or adults. I believe this is misguided. There is no question that students should learn self-advocacy skills, but the shy child cannot stop being shy when standing up to someone with more power, no matter how many skills he or she has acquired, just as a child with special needs cannot shed the disability to be a successful self-advocate. We must be those

An “upstander,” as opposed to a bystander, is someone who sees harmful or illegal activities and takes positive action to stop these activities or bring them to the attention of those who can.
advocates when children are in harm’s way until such time, if ever, that self-advocacy is possible.

Of course, bullying has been around as long as childhood has been chronicled, generally seen as a rite of passage and a common (though perhaps unpleasant) part of schooling. Historically, it was not seen as something to give to the courts or about which to legislate. So why is the issue of “bullying” one that has only recently been brought to the forefront and tackled more systemically? There are several pieces to the answer.

First, the stakes have now become alarmingly high compared to past eras, and the rampage school shootings have brought this into clear focus. Children have access to myriad ways to efficiently kill and hurt others or themselves that were not available decades ago (semi-automatic guns, easily accessible with unlimited amounts of ammunition, high-tech bombs and other weapons, powerful drugs, etc.). In years past, a “bully” might break an arm, bloody a nose, or make another feel the pains of marginalization, while family members and neighbors were much more likely to provide the care, connection, and concern that could buffer the harm.

Second, the media spotlight and cyber communications are much more likely to bring wide attention to personal tragedies—such as the death by suicide of a victim of bullying—than was true in earlier eras. And since Columbine, the public and pervasive attention given to bullying has created “bullymania” where everything, it seems, is bullying; and when everything is bullying…nothing is bullying.

Finally, over the last 30 years, there has been a growing need to manage the colliding worlds of “bullying” and “special education.” It is only since 1975 that all children with special needs in this country have been promised a place in school with their regular needs peers. The good news, of course, is that public school doors have been opened for millions of children. But many of these children are also among those students who are perceived as being “different” and so, as discussed above, are disproportionately subject to being targeted. For educators and policymakers, this means bullying has come up against the rights of children with special needs to learn in least restrictive environments and be included with their neurotypical peers as much as possible. Without appropriate systemic attention to creating physically, emotionally, and intellectually safe and healthy learning environments for all children, schools are on an unavoidable collision course between the unique and difficult worlds of bullymania and helping children with special needs. Consequently, a fuller understanding of today’s legal, social, and educational realities is needed.

THE LETTER VERSUS THE SPIRIT OF THE LAW

Effective July 1, 1999, Georgia enacted the country’s first anti-bullying law only two-and-a-half months after Columbine. Today, only Montana has yet to pass such a law. In the meantime, the number of allegations of bullying being tried in courts of law has increased significantly. But what is frequently missing from current discussions around bullying is recognition that there is little consistency in how “bullying” is defined in anti-bullying laws or in research, nor in how the word “plays” in schools and communities and for the individuals that deal with this phenomenon. Furthermore, state laws not only define bullying differently, they also frequently neglect to provide sufficient requirements that would support and protect those populations that are at greatest risk for bullying (those who may face bullying due to their disabilities, religion, LGBT status, race, etc.) and tie these requirements to existing federal laws that protect individuals’ civil rights (Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, Title VI of the Civil Rights Act of 1964, and Title IX of the Education Amendments of 1972). There is no federal anti-bullying law at present that could help make these critically important connections that are missing in state statutes.

It is true that laws and policies addressing bullying, which are often tied to relatively severe
consequences for the perpetrators, have brought increased awareness of this pervasive childhood “disease.” Any individual state law can be easily read and reviewed to assess the legal requirements that schools must adhere to. This can be described as the letter of the law. Ultimately, however, schools must look beyond the legal (and often minimal) requirements to what is the overarching intent in passing and implementing these laws. The bottom line is that all of the laws are attempting to achieve the spirit of the law, which is simply that every child has the right to learn and socialize in physically, emotionally, and intellectually safe and healthy environments. Research points to a clear, single direction: the ultimate remedy for bullying is for every school to have a climate that is foreign to such behaviors and, simply put, does not allow them. This is the systemic attention that is required.

**School Climate**

Climate boils down to the nature of the inter-relationships among the people in the school community physically, emotionally, and intellectually—that is, *how the people within the school community treat one another* (adult to adult interactions, adult to student interactions, and student to student interactions) through their actions, verbal and non-verbal exchanges, tone of voice, and the use or abuse of inherent power advantages. Children with special needs are far more likely than their neurotypical peers to have inherent power disadvantages, physically and/or socially. There is little confusion that creating a climate that is socially inclusive and where all school community members treat each other kindly and respectfully is the ultimate remedy for bullying; the more difficult issue is defining “bullying” consistently and clearly so that recognizing practically what needs to happen “on the ground” will happen.

One significant problem, however, is that no matter what definition is used, in schooling practice, administrators, faculty, staff, and students, as well as parents and guardians, are hard-pressed to describe with clarity what bullying looks, feels, and sounds like. Generally, individuals resort to, “I’ll know it when I see it.” But in practice, that is too late. Getting a handle on bullying with an honest intent to diminish it begins with knowing what it is. It is impossible to eliminate something that is ephemeral. In fact, there are 49 state anti-bullying laws and 49 different definitions! Even if it was possible to come up with a common definition, there still remains one insurmountable problem…its connotation.

**The Loaded Nature of the Word “Bullying”**

Labels matter. “Bully” or “bullying” is a negatively charged word. No student wants to be called a bully, no parent will claim that his or her child is a bully, and no school administrator happily admits there is bullying taking place in his or her school. This reality stems not from the fact that certain behaviors have been experienced or witnessed, but because of the connotation of the concept itself. There is widespread reluctance on the part of schools to label inappropriate behaviors as being bullying. Further, if a school were to claim that bullying was a common occurrence, public perception would likely be that, legal definitions aside, the school is unsafe.

What is actually happening in the school may or may not reflect what a reasonable person would consider to be bullying. The bottom line is that schools and individuals are much more comfortable describing inappropriate behaviors as being bullying. Further, if a school were to claim that bullying was a common occurrence, public perception would likely be that, legal definitions aside, the school is unsafe.

What is actually happening in the school may or may not reflect what a reasonable person would consider to be bullying. The bottom line is that schools and individuals are much more comfortable describing inappropriate behaviors *without* assigning this label. Neutral description is palatable; emotionally coloring a behavior with a label that has a negative connotation is not.

**Responsibility and Blame**

It is important to realize that very high profile school tragedies (suicides and school shootings, for example) did not start with the event itself. The seeds of ruin had been planted for all of these young people many years before their tragedies took place and ended so many lives. We all need to manage and stop the little things that hurt when we can. Seemingly innocent instances of “meanness” escalate. We can and must debunk the myth that “sticks and stones can break my
bones, but names will never hurt me.” The scars from emotional pain last far longer than childhood cuts and bruises. Physically and emotionally scarred brains present identically. It matters. Educators and other adults must become better listeners and observers of the things children say and do and what is left unsaid—in particular for those with identified special needs. We must be keen observers, not just for identifying physically harmful behaviors, but also for identifying the insidious manipulative situations that can be seen, if we know what to look for.

I am reminded of the case of a middle school student who was on the autism spectrum. Her mother gave her lunch money every day and always provided nearly twice what the lunch cost so that she could also buy some snacks. A popular girl became her “friend”…during lunch. The student with special needs did not understand social cues sufficiently to realize that the popular girl was not anything close to a true friend, but rather was using her social power to coerce the student with special needs to pay for two lunches. The desire to fit in was so great that when the popular girl insisted that the student with special needs buy her lunch every day, the student with special needs gladly did so, telling her mother later that she was just helping her friend. It took months for the mother of the student with special needs to find out why her daughter never came home with any extra money; every penny was always gone. When the circumstances did come to light, the popular student had extorted approximately $300. This demonstrates the inability of a child with special needs to self advocate, how easy it is for neurotypical peers to take advantage of students with challenges and differences, and
Moving Beyond the “Bullying” Label to Address the Spirit of the Law

Whether for research or legislative purpose, defining bullying contains an implicit goal: creating safe, respectful, and “bully-free” schools. Over the last decade, defining the term has evolved from simplistic and vague descriptions to increasingly complex, confusing, and confining ones. What is happening in schools with respect to realizing the true goal is likely the reason for such definitional changes. Legislating what bullying is has not yielded the hoped for result. What now? Another way to state this problem would be to ask not how the letter of the law can be satisfied, but what must be done to realize the spirit of the law?

No amount of definitional refining will ever change the connotation of the term. “Bullying” will always be so negatively charged that even with increasingly careful defining, it is virtually impossible to get past how the word “plays” in practice. If we can exchange the term for one less offensive (“mean” or “peer cruelty”) there is a better chance of bringing relevant groups together in an effort to ameliorate the phenomenon. Consider the following: Ask any parent/guardian if they are purposely raising a bully and no one will answer “yes.” Ask any child if he or she is a bully and the answer is the same. However, if you survey the same group of adults and inquire if their children are ever “mean” to anyone else (call someone a name, push, shove, or hit someone, make fun of someone, laugh at another person, or tell someone they can’t sit with or play with another), honest affirmative responses are common. The same children who say they don’t “bully” will admit that the very same behavior was “mean” and “not nice.”

Everyone is mean from time to time intentionally or unintentionally. For some reason, owning up to being “mean” is perceived to be more palatable and neutral and far less threatening than describing the same person or act as “bullying.” Bullying carries heavy negative emotional baggage; mean does not. A crucial additional benefit from eliminating the words “bully” and “bullying” in school settings is that when adults are charged with intervening during inappropriate student interactions, it is patently clear (especially compared with “bullying”) what “mean” looks like, feels like, and sounds like. If adults should take responsibility, and they must, it is far easier to stop the “mean,” or “cruel.” Adults would be far more likely to provide a consistent and viable front against bullying if they would abandon this unsavory label in practice and shift the language to something much more acceptable: school climate improvement and “mean.”

Aside from the issue of the toxic nature of the words “bully” or “bullying,” there are a number of other reasons why moving beyond those words makes sense. First, the label “bullying” does not provide a clear picture of the behavior(s) in question. Used to stop a behavior, “stop bullying,” will likely get the response, “What did I do?” The conversation might continue with, “You called him a name.” And, the child would just as likely answer, “That wasn’t bullying!” However, if the conversation began with, “Stop being mean,” or “stop the name calling,” there would much more likely be immediate understanding. Second, using “mean” avoids the problem of waiting to deal with behaviors until they are “repeated over time.” One of the leading reasons why “bullying” is not successfully arrested is that adults often believe that bullying must be severe and must be repeated before intervening.

Adults do, however, know what mean looks, feels, and sounds like. Adults do care about the safety and well-being of children in school, especially those with special needs, and they want to work toward this end. They want to intervene when children are inappropriately treated, but they do not recognize that if they used mean as their measure rather than bullying, the goal would be much easier to achieve. Inherently, “mean” does
Conclusion: Taking Responsibility...
Where Do We Go From Here?

Eliminating bullying requires an assumption and acceptance of responsibility of a systemic sort at the district and school levels. No one person or constituency is singularly responsible, but everyone collectively must share the burden. The path of least resistance, so to speak, is not an option. Educators must resist the urge to deny that mean-spirited (“bullying”) behaviors exist in their schools and instead tackle the problem head on, and begin by changing the conversation away from “bullying” toward mean or cruel, as well as inviting open and frequent communication from families, especially when little things happen that educators may not have caught or recognized as hurtful. Schools are only as good as the information they have. Educators must also recognize that mean-spirited actions happening outside the school directly impact the learning and socializing inside the school, especially in what is known as “cyber-cruelty.” As long as educators resist embracing this growing arena that has potentially tragic consequences, the longer “bullying” in brick and mortar settings as well as in cyber-space will continue.

Educators must embrace rather than resist gaining an understanding about the multi-dimensionality of how individuals are capable of hurting others and who are at greatest risk for being targeted: those with the greatest differences. In doing so, they must reach out and communicate, inform, teach, and work collaboratively with parents and guardians. True parent engagement includes working closely and meaningfully with parent-teacher organizations and special education parent-teacher organizations, as well as community advocacy groups and organizations such as Special Olympics. Once real parent/guardian involvement in the “bullying” arena is achieved, that is when all children, particularly children with special needs, will benefit on many levels.
Parents/guardians of those who hurt others physically or emotionally must accept that their own children have the capacity to be mean and work collaboratively with the school to improve their children's treatment of others and communicate openly and respectfully. Parents/guardians of those who would be targets of mean-spirited (“bullying”) behavior must resist the desire to demand that their injured children are better off once the label of “bullying” has been attached to their child’s circumstances and instead work as partners with the school to create concrete and realistic safety plans for their targeted children that should include plans to improve the wider school climate. Without embracing such collaborative communication and problem-solving strategies, schools and the children who inhabit them risk perpetrating the circumstances that have yielded so many anti-bullying laws and so little progress toward actually eliminating “bullying” in practice.

The rewards of reframing the “bullying” territory by looking down the lens of creating safe school climates are large and incontrovertible. On both practical and moral grounds, children—all children, not just some children—will have the opportunity and ability to soar academically and socially and experience overall success and a sense of belonging to the school community. Many excellent models exist that assist in providing environments of inclusion and shared understanding. Special Olympics is such a model, as are Special Olympics Project UNIFY® and Unified Theater. AbilityPath is an excellent organization to turn to for information on the intersection of bullying and special needs. States often have special education advocacy organizations that provide help and support. Other more global models, such as Responsive Classroom and TRIBES, provide frameworks for positive school community building. The National School Climate Center, the Search Institute, and the Character Education Partnership are national organizations that provide high-quality research and technical assistance on effective practices. And, including social-emotional learning programs has been proven to make significant positive differences in the quality of school climate while educating students to become ethical human beings.

Parents and guardians send their children to school every day, and every adult school community member has an obligation to ensure that all these children are physically, emotionally, and intellectually safe. One of the obstacles to eliminating bullying is the tendency of people to point fingers of blame every place but inward. The media and technology are to blame, parents are to blame, communities are to blame, the wider culture is to blame, a weapons-rich country is to blame, an individual student’s mental health or special needs issues are to blame, and on and on. While there is definitely plenty of blame to go around, educators must resist the urge to assume all the causes of bullying are out of their control and make schools safer for children by focusing on school climate improvement: how people treat one another. Doing so will not only diminish and potentially eliminate bullying, it will dramatically improve the life outcomes for many children. In the end, educators, and other youth-serving adults working collaboratively with parents/guardians, students, and community members must be responsible for creating positive school climates that arrest any kind of mean-spirited behavior, including but not limited to bullying and harassment, and support positive youth development for all students regardless of their abilities.

Jo Ann Freiberg is an educational consultant with the Connecticut State Department of Education working with the Bureau of Accountability and Improvement. She manages the wide arena of bullying, improving school climate and character education.

1This article is based on a longer chapter, “The Challenge of Bullying in U.S. Schools: Resistance and Reaction,” in Critical Essays on Resistance in Education, David M. Moss and Terry A. Osborn, eds. (New York: Peter Lang, 2010), 159 – 177.
