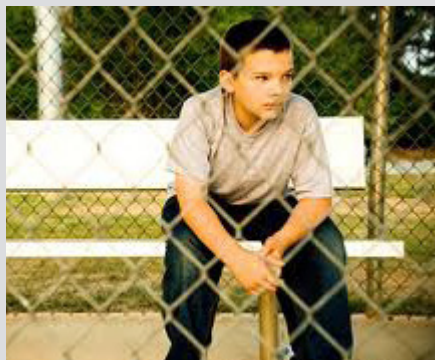




Adrienne Silver was an escrow manager for a successful home building company when she realized that having a well paid job wasn't the same as having a career that she loved, so she decided to quit her job and go back to school full time to pursue a career in nursing. At the age of 46, she found returning to school after such a long absence (28 years) a frightening endeavor, but the support Adrienne receives from her husband and family has made all the difference for her. She would like to say to all the "adults" out there who have considered making a change in careers, "It's never too late to figure out what you want to be when you grow up!"



Bullying Law Proposal— Mandatory Counseling/ Family Counseling

By Adrienne Silver

From elementary school to high school, bullying has become an increasing problem in schools across the country. More and more, we hear reports on the news about a student who has been brutally beaten by one or more of his classmates or about a suicide of a teenager as a result of years of incessant bullying. Because of the rise in violence and suicides, parents are voicing their concerns for their children's safety at school. As a response, many states are now requiring implementation of anti-bullying policies in their school districts.

In 2009, eleven-year-old Jaheem Herrera hanged himself in his closet after being teased by classmates at his Georgia elementary school. Afterwards, Georgia lawmakers modified their bullying law. With the previous law, schools had to report any bullying incidents to the police. But now school districts are required to have in place a process that will move the bully to a different school.

In California on April 13th, 2011, Governor Jerry Brown signed Seth's Law (AB 9) as a result of the suicide of thirteen-year-old Seth Walsh. This new law requires California school districts to establish anti-harassment and anti-discrimination policies that include "actual or perceived sexual orientation and gender identity and expression, as well as race, ethnicity, nationality, gender, disability, and religion." It also requires prompt

responses to all harassment complaints and a subsequent investigation of those claims. Seth's Law also puts in place continuing education and training programs for all school staff to assist in recognizing and preventing discrimination and harassment.

Yet with all the anti-bullying policies, procedures and training being implemented nationwide, not much is being done to address the behavior before it reaches the level of violence.

For example, in the Georgia law, the bully's only punishment is being moved to another school. Nothing prevents the bully from harassing another student at the new school. Nothing is done to determine what caused his or her behavior. In the case of Seth Walsh, the school was aware of the bullying, but did nothing to intervene. No one was held responsible for Seth's death even though several of his friends and school staff knew that other students were tormenting him.

Nothing prevents the bully from harassing another student at the new school.

Many perpetrators of harassment display destructive behavior for several years. But nothing is done to resolve the cause of this behavior. Many school administrators are turning a blind eye to the problem. In "Bullying: Carrying the Pain," published in the *Stockton Record* on July 3, 2011, Lori Gilbert interviews a local administrator: "What we have to do for starters is to own it," said Renee Sweeden, principal of Roosevelt Elementary School in Stockton Unified School District. "We're not owning

it. We're trying to ignore it. I've got principal friends who don't talk about that stuff."

Unfortunately, this way of thinking is typical in many schools, especially in the lower grades. Many teachers have the opinion that teasing and taunting is just "kids being kids" and that nothing needs to be done. But these kids grow up to become teenagers with destructive behaviors. If we are to reduce aggressive behavior, we must first understand the cause and next deal with the offender while the behavior can still be corrected.

In order to reduce the problem of school bullying, I propose to establish a new law that will operate in conjunction with Seth's Law (AB 9), The California Student Safety and Violence

Prevention Act (AB 537), The Safe Place to Learn Act (AB 394), Student Civil Rights Act (SB 777), California's criminal parental responsibility law, and California Education Code Section 48900 – 48927 to make bullying or discrimination and harassment a summary offense. Consequently, a jury trial will not be required to prosecute.

Unlike the existing laws that provide only guidelines and procedures to protect our students from acts of discrimination and harassment, this new anti-bullying law will take the course of action one step further. If the student is found guilty of a bullying offense, it will be mandatory for the incident to be reported to the police. The student will be charged with a summary offense and must appear in juvenile court for disciplinary action.

The penalty for this offense will include court-mandated counseling to determine the severity of the student's behavior. In accordance with the California Education Code, suspension from school may be recommended,

and family counseling may also be imposed. The student's parents or guardians are responsible for adhering to all treatment(s) as recommended by the court counselor. Non-compliance by the parents or guardians will result in a fine of \$2500.00.

If the student commits a second offense, the student will receive a one-week suspension. Also, family counseling will be required by the court and the school district as a condition of the student returning to school. A third offense will result in mandatory expulsion from school. Each incident and court ruling will be noted in the student's permanent school records and police record.

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Enforcement of this new anti-bullying law will be the key to its success. It will be the responsibility of the teachers, school counselors,

school administrators, and parents or guardians of each student to ensure that all claims of discrimination and harassment are reported and investigated. Failure of a school administrator to investigate any discrimination and harassment complaint can be reported to the school board. The school board will be obligated to compel an immediate investigation of the discrimination and harassment complaint.

Once a student is found guilty of discrimination and harassment, the police and juvenile court will enforce the penalty. The court will monitor the individual's progress through family counseling, and the school administrator will be advised of the student's status.

Each day another bully becomes empowered when his actions are dismissed and his victim's cries are ignored. We must be more proactive in dealing with these offenders before more young lives are needlessly lost.

