

Bullies

Do Something About Them



FILE PHOTO—ASSOCIATED PRESS

President Teddy Roosevelt coined the phrase “bully pulpit” to describe the power the president had to influence public opinion. In his time, “bully” was a positive expression. Today, bullies are troublemakers who are not welcome in school or on the playground.

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Bullies

Lesson: Bullies are a safety and health threat to more than three million school children annually. This lesson addresses ways to confront bullies, stop bullies and communicate the facts about bullying.

Level: Low to high

Subjects: Health, mathematics

Related Activity: Language arts, art

"Curriculums devoted to teaching children to be nice to each other are gaining popularity across the Washington area, under headings such as 'ethics days,' 'honor days' and 'character education days,'" reported S. Mitra Kalita in a Washington Post March 24, 2004, article. "In Virginia, schools are required to include a component aimed at producing 'civic-minded students of high character,' and students in Maryland must perform 75 hours of community service to graduate. Dozens of District schools are rolling out programs on how to be a good person."

Schools, parents and communities are asked to take a serious look at who is bullying, the range of ways to bully and means to help students confront bullies. This guide provides articles, resources and activities to get the facts and communicate with your community.

The online guides provided by The Washington Post NIE program suggest activities to use with Post articles and the reproducibles that we have created for you. Select the ones that are appropriate for the age of the children, time available and curriculum fit.

Define It

Before beginning the activities in this guide, have students define "bully" and "bullying." Who is a

bully? What constitutes bullying? May bullying be teasing, name-calling and making derogatory statements as well as damaging another student's property, making physical demands and physically harming a student?

You may wish to note that "bully" has a different meaning and connotation when used as an adjective or interjection. If time allows, give students "Bully for You," a look at etymology and use of "bully."

Express It

What are synonyms for "bully" and "bullying"?

Have students read the newspaper to find words that are synonyms or euphemisms for "bully" and "bullying." If students find examples of bullying, they may also clip and collect these for discussion. Ask students to make a collage of these words and expressions, use them in a cartoon strip or write a short paper on how language is used.

Read KidsPost

"Bullies: Yes, They're a Pain. So What Are You Going to Do About It?" and "Dealing With a You-Know-What" are reprints from KidsPost. After students have read them, you may ask the following :

- According to a 2001 survey, what percent of students say they have been bullied? Does bullying increase or decrease in older students?
- What have schools done to address bullying? What programs exist at your school?
- Name three categories of students involved in bullying. What can observers do?

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Read About It

Clements, Andrew.

Jake Drake Bully Buster

What happens when an ordinary student, Jake, is teamed for a class project with the school super-bully, Link Baxter

Deans, Sis.

Racing the Past

Set in rural Maine; 11-year-old Ricky deals with this father's death, poverty and bullies at school as he runs faster into his future

Estes, Eleanor.

The Hundred Dresses

A girl is teased because she wears the same worn clothing each day; a classic Newbery honor book.

McCain, Becky.

Nobody Knew What to Do: A Story About Bullying

With a section of advice to adults, this is a matter-of-fact portrayal of a youngster who is bullied and the sympathy he evokes from his classmates.

O'Neill, Alexis.

The Recess Queen.

It takes one person to challenge and to change a bully.

Polacco, Patricia.

Thank You, Mr. Falker

An autobiographical description of what it is like to be called "dumb" by classmates and have a teacher who proves salvation

Romain, Trevor.

Bullies Are a Pain in the Brain

A nonfiction selection of conversations between those who are tormented and bullies presented with cartoon illustrations

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- Name some ways to respond to bullies.

Take a Survey

Encourage students to be honest, neither hide nor inflate their experiences with bullies. Explain to students that you want to learn more about kids who bully other kids, and ask them to complete the survey without signing their names. This survey is anonymous to increase student candor.

Teachers may wish to have students complete the surveys at the end of a period so there is time to review the survey responses. Invite students to guess the results. Read some samples from the student responses. Ask for volunteers to help tally the survey results on the chalkboard; ask students to add the responses and figure the percentages in each question. How do their percentages compare to those of the 2001 study?

Discuss the survey results and brainstorm ways to reduce bullying in their school and community.

This survey was piloted with third grade students who became engaged in discussion.

Create a Drama

“Read About It” and “Read More About It,” the sidebars in this guide, suggest works for younger and older students to read about bullies in fiction and nonfiction. Have students select a work to read from these and other works you may add. Ask students to select short passages that communicate why bullies bully, the personal impact of bullying, a way to deal with bullying and consequences of bullying. Also, have available material from the NEA Health Information Network, Southern

Poverty Law Center’s Teaching Tolerance and other sources.

Divide the class into four groups to write readers’ theatre scripts. Share the passages from their reading, lift sections from the other resources and write their own narrative to create a script for readers’ theatre presentation. Give students time to practice their oral and choral reading. Present the four programs to the class.

All or some of the readers’ theatre shows might be presented to another class.

Learn the Law

Give students “The Supreme Court and Sexual Harassment.” While this activity may appear to be for older students, consider that *Davis v. Monroe County Board of Education*, the 1999 case heard by the Supreme Court, involved student-on-student harassment of a fifth grade student. Review the terms in “In the Know.”

To apply the principles established in *Gebser v. Lago Vista Independent School District* and *Davis v. Monroe County Board of Education*, give students “Should the School Be Held Liable?”

Draft an Anti-bullying Policy

Have students develop an anti-bullying policy for their school. *Warm-up.* In order to get the class thinking about the type of behavior they want to regulate, you should ask the class to think of different types of bullying or different types of behavior that they think is inappropriate in the school setting. (See above activities and resources in this guide.) Write each of these items on the board to give students a frame of reference for when they are trying to develop their own policies.

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Read More About It

Blume, Judy.

Blubber

A classic about an overweight girl and the cruelty she endures at school

Cormier, Robert.

The Chocolate War

A young adult classic about a boy who refuses to participate in a fundraising sale of candy for his school and the abuse heaped on him by classmates as well as a teacher. Mature older students may wish to read Cormier’s final (nonfiction) book, *The Rag and Bone Shop*, about a child who is bullied and then charged with murder.

Crucher, Chris.

Ironman

The story of anger management and its impact on a family where the father bullies his son

Hinton, S.E.

The Outsiders

A point of view story from one who wants to belong and be a member of a neighborhood group

Philbrick, Rodman.

Freak the Mighty

A story of friendship and acceptance as two boys take on the world and its bullies using their combined strength

Spinelli, Jerry. *Crash.*

Spinelli, Jerry. *Wringer*

Both books portray peer pressure. In an interview, Spinelli said *Crash* with its tough jock focused most on bullying.

Wilson, Jacqueline.

Bad Girls

Girls form an alliance to protect themselves from a school beauty who is also a bully

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Group Work. Break students into groups of three or four. Tell students that they are to devise an effective way to regulate the behavior they have just described in the Warm-Up. Tell them to consider the following factors when they are writing their own policies (could also write these on the board):

- Define what bullying is, so that the school knows the kind of behavior to look for
- Explain what the school's approach should be to regulating bullying
 - Zero tolerance given to any form of bullying?
 - Each instance should be analyzed on its own?
 - Another approach?
 - Think about whether any of these are possible due to time and money issues
- Describe the types of punishment to be implemented for the types of bullying
 - Severity?
 - Incremental increases for each instance?
 - Repeat offenders?

Presentation. Have each group write their policy on a transparency and present it to the class. Try to get students to explain their reasoning for the provisions they chose to include. Allow the rest of the class to ask questions if they have them.

Analysis. Hand out summaries of other area schools' anti-bullying policies ("School Policies in Metropolitan D.C."). Give students time to consider how these policies compare to what they have written. Engage students in a discussion of whether the actual policies are better or worse. How might the actual policies be improved?

Deal with Reality

"Once a Loser, Always a Loser?" might be considered a downer. The victim of bullying does not triumph in his high school. This 2003 Post article may be used to discuss attempts to face bullying, effect of legislation and the potency of the social environment in which bullying takes place. Do students think bullying will always exist? What can be done to create a healthier environment for all students?

"Father Says Va. Students Bullied Son" brings bullying closer to home. This 2004 event took place in Prince William County. See "School Policies in Metropolitan D.C." for an excerpt from that county's bullying policy. How many of the suggests to face and to stop bullying apply to this situation? What do students believe could have been done to help the student in this school?

Read the June 26, 2004, letter to the editor, "Stop Bullying First." Are the facts presented an effective persuasive device? Does saying "We don't know what might have prevented this incident" help the writer's argument? Do the figures of potential criminal activity give society and parents a reason to take bullying seriously? Does the writer offer any concrete advice in 219 words?

Have student write either a letter to the editor or a column similar to Marguerite Kelly's Family Almanac column in which they offer advice on bullying.

Resources: Games, Lessons

www.teachingtolerance.org

From "Starting Small" to "The Shadow of Hate," the Southern Poverty Law Center provides material to teach tolerance, respect and equity.

www.stopbullyingnow.hrsa.gov

Site was created by U.S. Department of Health and Human Services, the Health Resources and Services Administration, and the Maternal and Child Health Bureau to help define what bullying is and explain what others can do to stop it from happening. It also offers webisodes and games to help reinforce its message.

www.no-bully.com

Sponsored by the Colorado Anti-bullying Project, this site offers advice to parents, teachers and students on how to prevent bullying, a quiz demonstrating national statistics on bullying, and a story describing how famous people have been bullied.

www.bullying.org

Provides national statistics, information on support groups for those who are bullied, ideas for how others can help stop bullying, and an interactive game that allows the player to beat the bully and save other students.

www.empowered.org

Curricula and training programs designed to prevent young people from being harassed, bullied and victimized.

www.clemson.edu/olweus

Sponsored by the Olweus Bullying Prevention Program which publishes a comprehensive school-wide curriculum that is designed to prevent bullying and improve peer relations

homeworktips.about.com/od/bullyingdefined/

Activities designed to help students identify bullying behavior

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Guide for Teachers: Should the School Be Held Liable?

The three scenes were deliberately drafted so that your students could debate them either way. Below are some suggestions for directing their conversation. Please note that these answers are based on Supreme Court case law. Depending on the jurisdiction, there may be additional cases that control the outcome of the scenarios below.

Scene 1

Gebser teaches us that a school will only be held liable if someone in authority to correct the inappropriate conduct had 1) actual knowledge and 2) acted deliberately indifferent. In this case, Jane complained to another teacher about Mr. Keller's conduct, but it is not known if this other teacher had authority over Mr. Keller. If the other teacher did not have authority, then Jane will not be able to hold the school liable for Mr. Keller's conduct. If the other teacher was a leader of a department or had some other authority over Mr. Keller, then Jane would have a better argument for holding the school liable. In that instance, the fact that Jane did not take the matter any further would not make a difference.

See Page 6 for a sample activity.

Scene 2

Given these facts, all of those with authority over Ms. Whitney have actual knowledge of Leslie's discomfort and have chosen not to act on it. The Gebser standard has clearly been met here. However, the crux of this problem lies in whether the sexual content of the class is interfering with Leslie's education to the degree necessary to invoke Title IX of the Education Amendments. Depending on students' arguments, either side may be correct. For those who argue the school is not liable, they should focus on the fact that the Davis court stressed that normal teenage behavior would not rise to the level holding a school liable. The conduct must be severe, pervasive, and objectively offensive. Also, Leslie had a choice in taking Ms. Whitney's class. Those arguing to hold the school liable should focus on the fact that all of the authority figures knew of Leslie's discomfort and of the conduct of the boys in the class, but chose to do nothing to fix the situation. They did not even pull the students aside and ask them not to make such crude comments and gestures in class.

Scene 3

Susie did tell a teacher what was happening with the boys in her school, but we don't know who this teacher is and whether she has any power or authority to stop their torment of Susie. Arguably, once she knows what Susie has been going through, she should go out of her way to try to stop it from occurring or to tell the principal. There is a valid argument that this teacher has the authority to correct the conduct, has actual knowledge of the conduct and acts with deliberate indifference to the conduct. On the other hand, it can also be argued that if Susie really did all she could to make the taunting stop, she would have had her parents set up a meeting with the principal. The class could argue the issue either way. Again, the court will focus on whether the conduct is severe, pervasive, and objectively offensive or whether this situation is merely a case of students teasing each other.

Health Information Network

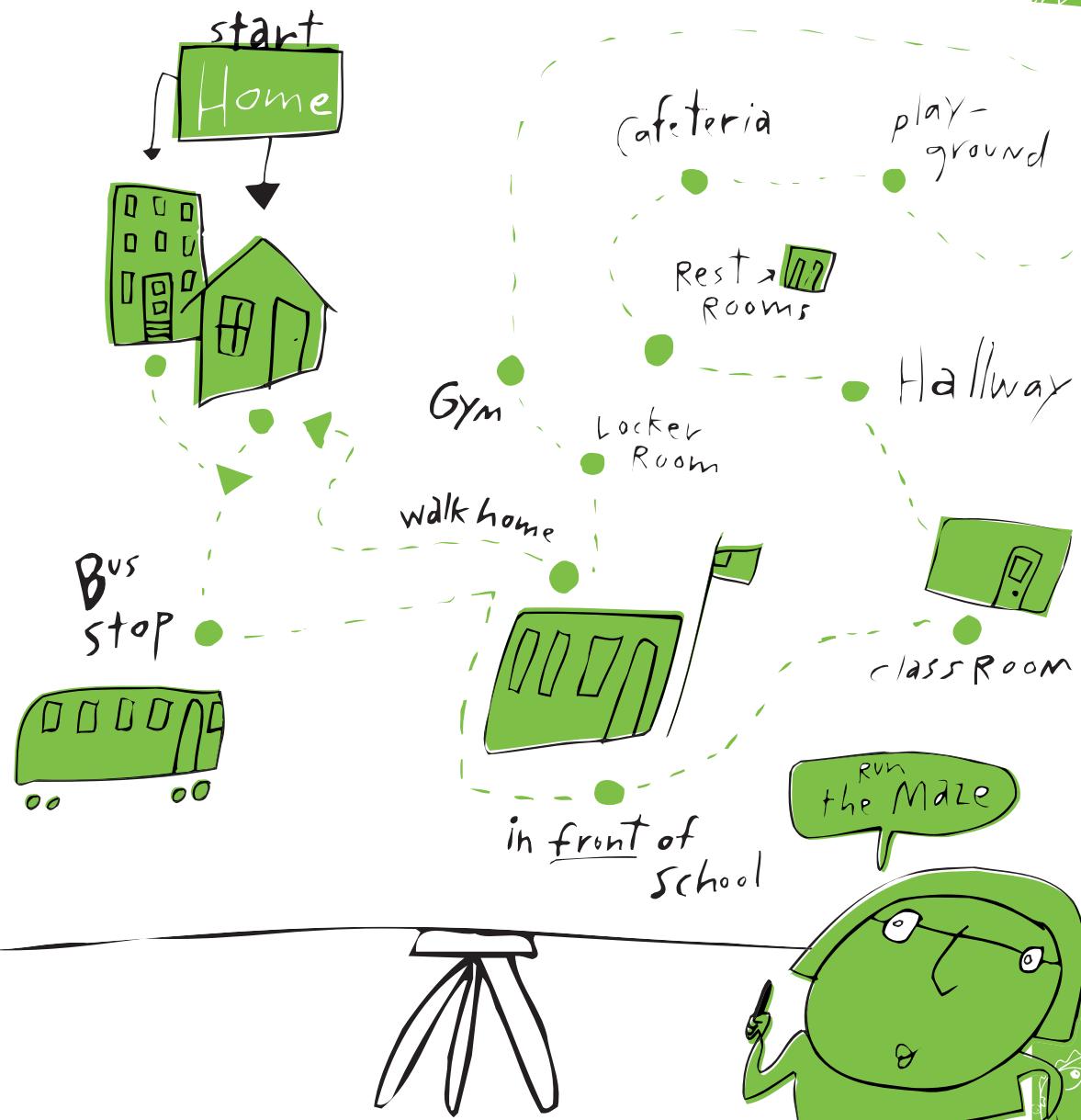
In response to the growing concern about school safety, the National Education Association Health Information Network created a nine-part series with video and supporting material. Safe Schools Now includes "Building A Safe and Responsive School Climate" (features Richmond, Va.); "Early Signs of Distress," and "Can't We All Just Get Along? Dealing with Hate & Bias in School."

The "Can We Talk?" workshop material includes videos and booklets for parents, teachers and students. "Can We Talk About Bullying & Harassment?" includes ten activities illustrated with cartoons, available in English and Spanish.

Contact www.neahin.org and www.canwetalk.org for more information.

9. Run the Maze

As everyone knows, the real problem is squirrels.



How does your child get from point A (your home) to point B (the school) and back again without running into problems? Ask your child who he or she runs into during the day who can or does cause trouble.

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Bullies

Yes, They're a Pain. So What Are You Going to Do About It?

There's nothing new about bullying. It's probably gone on as long as there have been kids. And, unfortunately, there's nothing rare about bullying. Seventy-five percent of 8- to 11-year-olds and 86 percent of 12- to 15-year-olds say that bullying and teasing are very common at their schools, according to a 2001 survey by the Kaiser Family Foundation and Nickelodeon.

But bullying has received a lot of attention recently. The reason? Kids who were picked on and teased brought guns to school. Some have shot and killed fellow students.

Schools are taking the problem very seriously. Teachers are having group discussions in class. Principals are holding special assemblies about bullying. This is in addition to the "peer mediation" classes that many schools have to help schoolmates work out problems with each other. ("Peers" are other kids your own age.)

The programs start as early as first grade and have names such as "Conflict Busters," "Solution Dream Team" and "Peacemakers." Some Maryland counties use "Debug" to teach kids how to stop "bugging" each other. Here are the five steps they suggest you take when dealing with a bully: 1. Ignore. 2. Move away. 3. Talk friendly. 4. Talk firmly. 5. Get adult help. (For other tips, read "Dealing With a You-Know-What.")

Most news stories about bullying mention two kinds of kids: the kids who are bullies and the kids who get bullied. But there's a third category that's just as important: the kids who see what's going on. Teachers say that these kids can help stop bullying, by not laughing when bullies tease and by getting a grown-up when there's trouble.

Barbara Hoffmann, a Howard County middle school principal, tells her students: "The school's only as good as you make it. The laws have to be obeyed. The only way to do that is to make a very safe, comfortable environment." And that means not just standing by when someone is in trouble.

Bullying goes on every day in every school. Talk about bullying, share stories and pictures to tell others about bullies, and help change a bully into a good citizen in your school.

Dealing With a You-Know-What

Don't get mad, get ... funny. Experts say humor is one way to stop bullies. Here are some suggestions for handling a bully - and yourself.

- Ignore the bullying - send a message that you're not afraid.
- Tell the person that you don't appreciate what he or she is doing. (Believe it or not, some kids might not realize that they're being bullies.)
- Don't cry. Bullies might pick on you if they think you're afraid. Appear confident.
- Respond with a joke.
- Since some bullies gang up on kids who are on their own, try not to be alone during recess or lunch. Hang out with friends.
- If you think you may be being teased because of something you do, talk to a grown-up about changing your behavior and building your confidence.
- Tell a teacher or school counselor what's happening. It's an adult's job to help stop the bullying.
- Burn off your anger with physical activity: on the soccer field, in the swimming pool, in a karate class.
- Become a world-famous millionaire and, years later, when the bully comes to you looking for a job, say, "Do you remember a kid that you used to throw macaroni and cheese at in the cafeteria in fifth grade? Well, that was me. Not only am I not hiring you, but I've called security to escort you from my office."

Okay, we admit that last one may be kind of hard to pull off. But being bullied, as lousy as it is, won't last forever. And you can do something about it.

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A Bully Survey

You are not asked to give your name. Please circle the answer that most closely expresses your experience. You can have more than one best answer for any question.

1. Have you ever been bullied? Yes No

A. If you are/were bullied, how often does/did someone bully you?

Once Occasionally Often Every day

B. Where are/were you bullied?

School Neighborhood Park Home Somewhere else

C. If you are/were bullied at school, where does/did it occur most often?

Hallway Classroom Playground Cafeteria Bathroom Somewhere else

2. Have you seen other students being bullied at school? Yes No

A. If you answered yes, how often does/did it happen?

Once Occasionally Often Every day

B. Where have you seen students bullied?

Hallway Classroom Playground Cafeteria Bathroom Somewhere else

3. Which of the following have bullies done to you or to someone you know?

Ignored Called names Stolen something Damaged something

Shoved Kicked Hit Sent e-mail messages

Excluded Shoved Touched Spread rumors

4. How much of a problem is bullying for you or a friend?

No problem Not much of a problem Very much a problem

5. Have you ever been a bully? Yes No

A. If you answered yes, how often do/did you bully?

Once Occasionally Often

B. What type of bully have you been?

Cyber/Internet Emotional Physical Verbal

6. On the back of this sheet, list some of the actions you think parents, teachers and other adults could perform to stop bullying and make our school a much safer place for you and your classmates.

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Bully for You

You think of a bully and you think of someone who is aggressive and deliberately hurtful. The word “bully” is an example of a word that has changed its meaning through years of use. The American Heritage Dictionary will tell you that in its archaic, or very early use, bully meant “a sweetheart” or “a fine person.” Its source was the Middle Dutch *boele*, sweetheart, probably an alteration of *broeder*, brother.

Today, the noun “bully” is used to define someone who is habitually cruel. The abusive actions of a bully can be physical, verbal and emotional.

There is also bully beef that is canned or pickled beef. This form of bully is perhaps from French *bouilli*, boiled meat, from the past participle of *bouillir*, to boil, which is from Old French *boilir*. (Perhaps, a bully is heating up inside with anger, resentment and jealousy.) Bully beef is perfect to take camping. Make a sandwich and think it is bully good.

When used as an adjective, “bully” means excellent, superb, first-class. When you ignore a bully and walk away with confidence, we all say, “Bully for You!” This interjection expresses our approval. You are the champion in this situation.

Bully is associated with the 26th president of the United States. A play about him is titled *BULLY, An Adventure with Teddy Roosevelt*, a biography by Jean Fritz is entitled *Bully for You, Teddy Roosevelt* and a collection of quotations is called *The Bully Pulpit*.

You may have heard or read about the president’s potential to influence public opinion. The term “bully pulpit” means “a public office or position of authority that provides its occupant with an outstanding opportunity to speak out on any issue,” according to the Oxford English Dictionary.



FILE PHOTO—ASSOCIATED PRESS

President Theodore Roosevelt campaigns before a crowd in the 1912 presidential race. He became president at age 42 and was the first American to be awarded the Nobel Peace Prize in 1906 for his work to mediate the Russo-Japanese War.

Teddy Roosevelt who coined the term “muckraker” also first used the phrase “bully pulpit.” Explaining his view of the presidency, he said, “I suppose my critics will call that preaching, but I have got such a bully pulpit!” “Bully” in the early 1900s was used as an adjective meaning “first-rate,” much like you today use the word “awesome.”

The interjection “Bully!” expresses the exuberance of the man who led the Rough Riders, was an explorer, naturalist, environmental advocate, father of six children and president of the United States at 42. Roosevelt considered the building of the Panama Canal a bully accomplishment. (Check out the story behind the founding of the country of Panama. You may think the other definition of “bully” applies as well.)

In a message sent to Congress, December 6, 1904, Roosevelt referred to the international bully and the misguided peace that comes from

giving in to this oppressor. “The steady aim of this Nation, as of all enlightened nations, should be to strive to ring ever nearer the day when there shall prevail throughout the world the peace of justice. There are kinds of peace which are highly undesirable, which are in the long run as destructive as any war. Tyrants and oppressors have many times made a wilderness and called it peace. Many times peoples who were slothful or timid or short-sighted, who had been enervated by ease or by luxury, or misled by false teachings, have shrunk in unmanly fashion from doing duty that was stern and that needed self-sacrifice, and have sought to hide from their own minds their shortcomings, their ignoble motives, by calling them love of peace. The peace of tyrannous terror, the peace of craven weakness, the peace of injustice, all these should be shunned as we shun unrighteous war.”

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The Supreme Court and Sexual Harassment

When it comes to sexual harassment, the most common form of bullying in American schools, the Supreme Court has recognized that it is a serious and pervasive problem. Under Title IX of the Education Amendments of 1972, sexual harassment in schools receiving federal funds is considered illegal sexual discrimination; therefore, if a student in a school experiences sexual harassment in any school-related activity, he or she may sue the school system under Title IX. There are two different types of sexual harassment—*quid pro quo* and hostile environment.

YOU AND YOUR RIGHTS

Quid pro quo harassment occurs when a school employee tries to convince a student to submit to unwanted sexual advances as a condition for participating in a school-related activity. Hostile environment sexual harassment consists of unwanted hostile conduct of a sexual nature that is so pervasive, severe and persistent that it interferes with a student's ability to benefit from school or creates a harmful academic environment.

In 1998, the Supreme Court addressed teacher-on-student harassment in *Gebser v. Lago Vista Independent School District*. Alida Star Gebser, an eighth-grader, joined a book discussion group at the local high school that was led by Frank Waldrop, a high school teacher. During these discussions Waldrop often made sexual comments to the students. When

Gebser entered high school the following fall, she was assigned to two of Waldrop's classes. Eventually their relationship escalated, and Waldrop and Gebser began to have sex on a regular basis, but never on school grounds. Gebser never told anyone of her relationship with Waldrop; however, the parents of two other students did complain about the sexual nature of his classroom discussions. Waldrop was reprimanded and apologized to these parents. The nature of Waldrop and Gebser's relationship was only discovered after a police officer caught them having sex and arrested Waldrop.

Gebser's parents brought an action under Title IX of the Education Amendments of 1972 claiming that the Lago Vista Independent School District could be held liable for Waldrop's sexual harassment of their daughter. The court permitted Gebser's parents to bring their complaint under Title IX, because the School District received federal funding at all times relevant to the sexual conduct between Gebser and Waldrop.

The Supreme Court concluded that a school district can only be held liable for a teacher's sexual harassment of a student if an official who has the power to correct the inappropriate conduct has actual knowledge of the conduct and acts deliberately indifferent to the conduct. In this case, Gebser never told anyone of the nature of her relationship with

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Gebser v. Lago Vista Independent School District

"deliberate indifference": A standard set up by the Supreme Court in *Gebser v. Lago Vista Independent School District*. The standard allows a school district to be held liable for damages for a teacher's sexual harassment only if officials with the power to correct the behavior knew of it and chose to do nothing.

Hostile environment sexual harassment:

Occurs when unwelcome hostile conduct of a sexual nature is so severe, persistent or pervasive that it interferes with a student's education or creates an intimidating, threatening, or abusive academic environment. Such an environment can be created by teachers, administrators or other students.

***Quid pro quo* sexual harassment:** In Latin, *quid pro quo* means "something for something." Occurs when a school employee, such as a teacher or staff member, tries to convince a student to submit to unwanted sexual advances as a condition for participation in a school program or extracurricular activity, as a means of getting ahead in some way, or as a necessary way to avoid negative consequences, such as a bad grade.

Title IX of the Education Amendments of 1972:

"No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance."

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Waldrop, so school officials could not have had actual knowledge of his inappropriate conduct. It was not enough that other parents complained about his inappropriate comments in class. The Lago Vista Independent School District could not be held liable for the actions of Frank Waldrop, and its federal funding would not be revoked.

The dissenting Justices criticized the majority's conclusions, because Waldrop clearly had authority over his young student. In addition, the standard set up in this decision is very burdensome for plaintiffs and will likely result in insulating a school district from ever being held liable for the inappropriate acts of its teachers.

In 1999, the Supreme Court decided *Davis v. Monroe County Board of Education*, which attempted to apply the standard established in *Gebser* to a circumstance of student-on-student harassment. LaShonda Davis, a fifth grade student, alleged that a classmate of hers, G.F., attempted to touch her breasts and her genitals and said such things as "I want to go to bed with you." LaShonda told her mother every time one of these incidents occurred and her mother promptly complained to the teacher and the principal. No disciplinary action was taken against G.F. and this inappropriate conduct continued. The conduct stopped only when G.F. was charged with and pled guilty to sexual battery. As a result of G.F.'s conduct, LaShonda's usually high grades dropped and her father discovered a suicide note she had written.

LaShonda was not G.F.'s only victim. All of the students he harassed attempted to speak to the principal about G.F.'s behavior,

but they were turned away by another teacher. In addition, no attempt was made to separate G.F. and LaShonda in the classroom. During the time G.F. victimized LaShonda, the teacher assigned him to sit next to her.

The Supreme Court concluded that the standard established in *Gebser* should also apply to the circumstances in this case. Using the *Gebser* standard, the court concluded that there was enough evidence to likely find the school liable for G.F.'s conduct, because a school official with corrective authority had actual knowledge of the misconduct. In this case, the teacher had clear authority to stop G.F.'s behavior, but she failed even to change the seating arrangement. Clearly, the teacher acted deliberately indifferent. The Court was careful to stress that normal teasing between students will not be enough to warrant a lawsuit, but G.F.'s conduct can clearly be described as severe, pervasive and objectively offensive.

The dissenting Justices are concerned that childish behavior, name-calling and teasing will give rise to a jury's misperception of what is severe, pervasive, and objectively offensive. In such a case, a school district could unjustly be found liable and lose its federal funding.

Innocent Tease or Taunt?

Raskin, Jamin.

We the Students: Supreme Court Decisions For and About Students

"Harassment in the Halls," chapter 8, provides more information on the two cases presented in this activity and excerpts from the Court's decisions.

Raskin, founder of the Marshall-Brennan Fellows program and a law instructor at American University's Washington College of Law, includes more examples to quiz your understanding of what constitutes Title IX sexual harassment under *Gebser* and Monroe County. 2nd edition, 2003

Stein, Nan, and Lisa Sjostram.

Flirting or Hurting? A Teacher's Guide to Student-on-Student Sexual Harassment in Schools

Examples and approaches for a safe and respectful school environment.

Available through the National Education Association.

<http://www.oyez.org/oyez/resource/case/1107/>
Gebser v. Lago Vista Ind. School Dist.

The Oyez Web site presents this case and others in a very accessible manner. Summary, participants, written opinions of the Court and audio arguments available.

School Policies in Metropolitan D.C.

Below is a sampling of policies and definitions that apply to Washington, D.C., area schools.

United States Department of Education

Bullying among children is commonly defined as intentional, repeated hurtful acts, words or other behaviors, such as name-calling, threatening, and/or shunning committed by one or more children against another. These negative acts are not intentionally provoked by the victims, and for such acts to be defined as bullying, an imbalance in real or perceived power must exist between the bully and the victim.

John Poole Middle School (Montgomery County)

The School Improvement Plan Goal is as follows:

To implement a school-wide program to decrease the incidents of bullying by increasing staff, student and parent awareness of bullying behaviors and by identifying processes and intervention strategies. Increased awareness of bullying behaviors will be measured by results on pre- and post-questionnaires at appropriate training sessions.

Bullying is defined as a form of aggression in which one or more students physically and/or psychologically (and more recently, sexually) harass another student repeatedly over a period of time. Typically the action is unprovoked and the bully is perceived as stronger than the Target.

John Poole Middle School will implement the following:

- Establish a reporting and tracking system for bullying incidences
- Establish a student reporting system for bullying incidences which includes an option for anonymous reporting
- Provide a social skills training to all students
- Embed bullying prevention language and activities into the school culture through inclusion in the school improvement plan, student discipline code, character education programs, curriculum and other school-wide venues
- Provide training opportunities to increase staff awareness and knowledge around bullying and other issues related

to school safety including specific effective responses

- Consistently communicate to staff, parents, and students all county and school-wide policies and established procedures related to school safety and student conduct
- Increase visibility of and supervision by adults during non-structured times and in identified “hot spots”

Fairfax County Public Schools

Bullying: Physical or psychological harassment on the part of one or more students toward another

It is within the discretion of the principal to determine the discipline for a student who endangers the well-being of others through fighting and bullying. Consequences range from an intervention without an expulsion to a recommendation for expulsion.

District of Columbia Public Schools

Title 5—District of Columbia Municipal Regulations; Chapter 25, Student Discipline, Section 2503.

(g) Harassment. A student commits an offense under this provision when he/she engages in verbal or physical conduct or communication relating to an individual's actual or perceived race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, family responsibilities, matriculation, political affiliation, disability, source of income, or place of residence or business in a manner that denies or limits a student's ability to benefit from an educational program or activity or creates an intimidating, threatening, or abusive environment for students, employees, or others in the school environment such that it interferes with the employment duties of employees or the effective performance of the school-related functions of others.

From Student Rights and Responsibilities, excerpted from Title 5, DC Municipal Regulations, Chapter 24.

2401.5, Each student has the right to physical safety and the protection of personal property, including the right to safe and sanitary school buildings and facilities.

2401.12, Each student shall have the right to respect from teachers, other students, administrators, and other school personnel, and shall not be subject to ridicule, harassment, or any punishment that is demeaning or derogatory. No student shall be subject to corporal punishment.

2401.14, Each student shall have the right to use reasonable physical means to defend himself or herself from assault or physical abuse, and shall not be subject to suspension for using limited, reasonable, physical means to restrain another person from physically assaulting or harming a third person.

2402.1, Each student shall be responsible for providing a positive and healthy environment for others by maintaining order, self-discipline, and having consideration for the rights and property of others.

Prince William County Public Schools

Each school is committed to creating an environment in which students are free from bullying. Students are strongly encouraged to report incidents to the school administration. The school administrator will take steps to respond quickly and decisively to student reports of bullying. A Complaint of Bullying form is available on the school system's Web site, in the guidance and main offices.

Q: What behaviors are considered to be bullying behaviors?

A: Some examples of bullying behaviors include purposely not including people, taunts, threats, gestures, insults, gossip, humiliation, teasing, horseplay, pushing, tripping, hitting, stealing or destroying property, cursing and laughing at others based on their appearance, academic or athletic ability, or any other reason. ...

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Should the School Be Held Liable?

Based on your understanding of Gebser and Davis, determine whether the school can be held liable for the following conduct. Assume that the schools in each hypothetical received federal funding at all relevant times.

1

Jane took every drama class that her school offered, and, as a result, became very close to her drama teacher, Mr. Keller. One evening after helping Jane prepare a dialogue for class, Mr. Keller suggested that the two of them go out to dinner, and Jane agreed. After dinner, Mr. Keller suggested that they go to his apartment which was only a few blocks away. Jane became uncomfortable and told Mr. Keller that she did not think that was a good idea. Mr. Keller told her that was too bad since he had been considering giving her the lead in the upcoming school musical.

Jane tried out for the musical and was not given a part although she had received the lead in the three prior productions. She complained to another teacher she trusted about what had happened, but decided against taking the matter any further.

2

Ms. Whitney is a very popular English teacher, but a few of her students take offense to the sexually suggestive comments that she makes during class discussion and the types of books that she chooses for her class to read. One of the female students in particular, Leslie, observes that the discussions often lead the male students to make inappropriate sexual comments or gestures during class.

This type of conduct makes Leslie uncomfortable, and she feels like it is interfering with the value of her education. Leslie has asked Ms. Whitney on more than one occasion to try to limit the sexual nature of the discussion, but Ms. Whitney has told her to transfer to a different class if she does not like the content. Leslie has also talked about her discomfort and the reaction of some of the boys in her class to her guidance counselor and the principal, but neither saw the need to get involved.

3

Susie is a very attractive tenth grader. A few boys in her school, John, Patrick, and Jay, are constantly whistling at her as she walks by, and making very suggestive comments about her body. John has also chased her down the hall on occasion and tried to touch her butt and breasts. Patrick has often said, "If only I could get you alone..." Jay once intentionally walked in on her when she was changing in the women's locker room and was chased out by the physical education teacher.

This conduct continued for a few months and Susie finally decided to try to speak to the principal. Mr. Smith's secretary refuses to give her an appointment, but does comment that she should be flattered and "boys will be boys." The secretary does say that Susie will likely be able to get an appointment with Mr. Smith if she has one of her parents call. Instead, Susie talks to a teacher that she trusts, who advises her that if she ignores the boys, the taunting will likely stop.

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Once the Loser, Always the Loser

Christopher Albert Tried to Beat The High School Bullies. Was it Worth It?

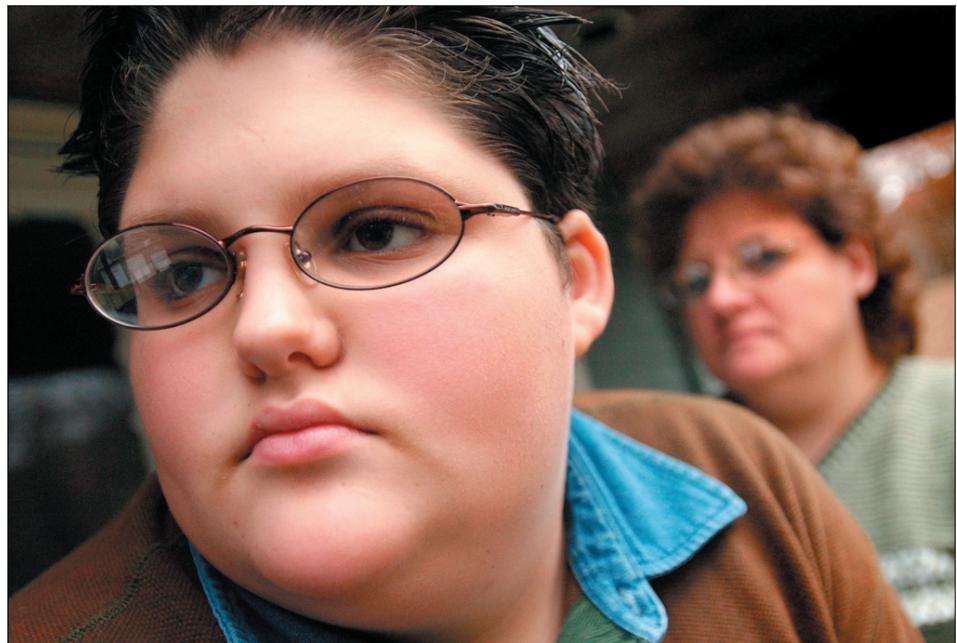
By HANNAH ROSIN
Washington Post Staff Writer

STAFFORD SPRINGS, Conn.—There were lots of reasons high school sophomore Christopher Albert's parents decided to press charges. The gash on his back needed nine stitches. The classmate they held responsible, Kevin Kelly, got only a six-day suspension. Plus Kelly got to play football the very night of the incident.

"It could have been so simple," said Nancy Albert, Christopher's mother. Kelly's father, who happens to be head of the local school board, could have called and apologized and offered to pay the hospital bills. But neighbors don't do that so much anymore, just call each other and work it out, dad to mom, not even in a town as small and rural as Stafford Springs up in the woods of northern Connecticut.

So one day last month, Kelly, a 17-year-old senior, spent the morning in nearby Rockville Superior Court, crouching behind his father to duck his sudden and unwanted notoriety as a high school bully, that timeless menace Connecticut and a dozen other states have suddenly lost patience with and targeted in a series of new laws. Meanwhile, Albert, who once dyed his hair blue to get some attention, has turned up on TV, speaking alongside Miss America Erika Harold at a forum in Hartford about how he was victimized and fought back—one of several testimonies in support of the new anti-bullying legislation.

The Connecticut law, which takes effect in February, stops short of actually criminalizing bullying, and instead requires schools to set up a system to monitor and investigate all incidents.



TOM BROWN/HARTFORD COURANT VIA ASSOCIATED PRESS

Christopher Albert was victimized by another student at his high school in 2002. He fought back—in court—and his case laid the groundwork for schools across the country to address bullying in schools. His mother stands behind him.

But the new intolerance of bullying behavior has emboldened parents such as the Alberts to take the next step by pressing charges or suing the school.

At heart, the anti-bullying movement harbors a goal more ambitious than stopping the occasional locker room pummeling: to alter the "school climate," as the Connecticut Bullying Task Force put it, meaning to eradicate the cliques and gossip and exclusion and you-can't-play-on-my-team nastiness that teenagers and even littler kids have always just suffered through.

But the Stafford High incident shows just how difficult that may be. What should have been like one of those high school movies where the underdog ultimately triumphs has turned out more like an after-

school special on the complications and unintended consequences that result when adults, and especially the law, micromanage the high opera that is American teenage life.

And Albert's role is to show the painfully high cost of upsetting the Darwinian natural order of things. Because the jury that counts, that is, the student body of Stafford High School, has clearly rendered its verdict: Kelly has acquired an aura of glamour as girls carry around local news clippings about him and console him for his undeserved lot. Meanwhile Albert has become the school pariah.

"Evidently I was not exactly popular to begin with," Albert said in his deadpan way, twirling a toothpick-sized plastic sword.

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Father Says Va. Students Bullied Son

Parents Express Regret for Terrorizing of School

By IAN SHAPIRA
Washington Post Staff Writer

The father of a seventh-grader who stormed into his Prince William County middle school with a high-powered rifle and threatened to shoot people said yesterday that his son was the target of incessant bullying and that school officials did not do enough to stop the problem.

"My son was tormented," said David Lewis of Haymarket, whose son is 13 years old. ... "Although his actions were not justified ... bullying should not be tolerated."

Lewis, 40, spoke publicly for the first time after a closed hearing in Prince William Juvenile and Domestic Relations court, where a judge ordered his son to undergo a psychological exam, according to prosecutors. At the boy's next hearing on Nov. 24, Judge Janice Brice could release him, send him to a juvenile home or continue to hold him in a state detention facility up to age 21, they said.

If Brice sends the boy to a state detention facility, Department of Juvenile Justice officials will determine when he is released, said Prince William Assistant Commonwealth's Attorney Claiborne T. Richardson II.

Last month, the seventh-grader pleaded guilty in juvenile court to three felony weapon and abduction charges stemming from the siege at Bull Run Middle School on June 18, the last day of classes.

Flanked by his wife, Naomi, and their attorney outside the courtroom, David Lewis expressed regret for his son's actions, which have haunted the community.

"My wife and I want to apologize for the actions of our son," he said, adding his gratitude for the "measured response and skill" of the Prince William County Police Department. Lewis then criticized school officials, saying they had done little to combat bullying. "It's one thing to have a zero-tolerance policy, but it's another thing to see it actually enforced," he said.

Lewis said he and his wife tried to get their son, then 12, to tell them whether there were problems at school, "but he never came out and said 'Here's what's happening, here's who's doing what.'" Friends have said the boy was bullied because of his clothing and his size.

Bull Run Principal William G. Bixby said yesterday that it was not appropriate for him to comment about the boy's problems in the media. Bixby said the school does take measures to stop bullying. "Any of us would be very pleased if [the boy] had spoken to us. . . . Students do need to bring information forward." After the hearing, Commonwealth's Attorney Paul B. Ebert said he thought the boy continues to pose a threat to the community and should be detained. He did not give his recommendation for how long.

"It's a very unusual case," Ebert said. "You have a boy with no criminal record, with support from home, church. . . . He had an better-than-average intelligence, but his thought process concerns me."

"Anyone that would take a loaded weapon and abduct someone . . . is a risk to society," he said.

On June 18, Naomi Lewis, a cafeteria worker, was driving her son to school when she heard a rattling in the back

Stop Bullying First

Assistant Principal Jamie Addington and Prince William County police averted a tragedy when a 12-year-old boy brought guns to Bull Run Middle School [front page, June 19]. This event demonstrates that effective school violence response plans are critical. But schools also need programs that defuse problems before children bring guns to school.

We don't know what might have prevented this incident, but we do know the boy was a victim of constant bullying. Bullying is not just "boys being boys." Nearly one in six children in grades six through 10 — 3.2 million—are victims of bullying each year. An additional 3.7 million bully others.

Bullies give us an early warning that they may be headed for a life of trouble. One study showed that four of every 10 boys who bullied others had three or more criminal convictions by the time they turned 24.

Schools must take firm steps to protect kids from bullying. That doesn't mean suspension, treating every bully to an unsupervised vacation. Instead, law enforcement leaders urge schools to implement for all students programs proven to reduce bullying and effective approaches to get bullies back on a healthy path. We need to take action before more children are harmed, killed or take their own lives.

SANFORD NEWMAN

President

Fight Crime: Invest in Kids

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inside without alerting authorities. She has been charged with possession of firearms on school property and faces an Oct. 6 trial. She declined to discuss her case yesterday. As students began arriving for school that day, her son sneaked back to the van and opened it with a key his mother didn't know he had, police said. He took the bag of weapons—three guns, a knife, flammable liquid and more than 100 rounds of ammunition—to a bathroom next to the school's office, changed into camouflage gear and cloaked his face in a red bandanna. An assistant principal conducting a routine check heard him loading a rifle and rushed into the school office to call for help.

The boy burst into the office, ordered about a dozen people to "get down" and pointed his weapon at a woman hiding under a desk as she tried to call police. He eventually was talked out of using weapon by a teacher and apprehended by a police. School Board Chairwoman Lucy S. Beauchamp (At Large), said her "heart goes out to the family," but said the school "can't deal with bullying unless we know it's happening."

Think About It

1. After reading "Father Says Va. Students Bullied Son," summarize the following:
 - Action of the seventh-grader on June 18, 2004
 - Decision of the Juvenile and Domestic Relations court judge
 - Point of view of David Lewis

2. Why does Ian Shapira not name the student? What clues are there to the student's identity? Do you think the names of juvenile's involved in bullying, violent incidents or accidents should be revealed?

3. Why do you think the student brought a change of clothes to school as well as weapons? What does Shapira's use of "cloaked" convey?

4. To what extent are the following responsible for what took place on the last day of school? Explain your answer.
 - Those who bullied a classmate
 - The school administration
 - Parents of the seven-grader
 - The seventh-grader

5. Who else would you add to the above list? Why?

6. Write a letter to one person or group who is mentioned in the article.