



**Testimony to the New Jersey State board of Education, October 5, 2016 regarding: The proposed regulations for the “Anti-Bullying Bill of Rights,” N.J.A.C. 6A:16-7.7.**

My name is Carol Watchler. I am the Co-Chair of GLSEN Central New Jersey. The Gay Lesbian and Straight Education Network, GLSEN, is the major organization striving to assure that each member of every school community is valued and respected regardless of sexual orientation or gender identity/expression.

GLSEN Central New Jersey is in full support of the comprehensive document from the "Coalition for an Effective ABR." We would like to focus on two aspects of that set of recommendations to the New Jersey State Board of Education.

Addressing section viii. (3) on p. 16 or the Coalition document

The concern here is the need for protection of any student targeted by real or perceived bias based on sexual orientation or gender identity or expression, for whom an incident of harassment, intimidation, or bullying is reported. The “outing” of a person, revealing their sexual orientation or gender identity or other significant private, personal identifying information in the course of an HIB investigation or notification of parents/guardians can be a cause of danger to the student physically or psychologically.

Young people often think long and hard about whether, and how to tell their parents. They think about the different ways their parents might react, they plan how they are going to bring up the topic, how they are going to explain it to their parents, and when and where they are going to do it.

Hence with their knowledge that the ABR process requires notification of a parent/guardian, their concern is: Will the phone call home “out” them to their parents? Will the investigation process “out” them to other students? Someone at school reported that they were being harassed for being LGBT; because the school has complied with a law that is supposed to protect them from anti-LGBT harassment, are they now going to have to face worse harassment in their home and in school?

The suicide rate among LGBT youth is three times the suicide rate of heterosexual, non-transgender youth<sup>1</sup> and this is largely because of the negative reactions of significant others, primarily a youth’s parents. Among homeless youth, 40% identify as LGBT; this is because, in addition to running away from home for the same reasons heterosexual youth run away, LGBT youth also run away to escape parental abuse because they are LGBT, and they are often *thrown away* by parents who want nothing to do with them because they are LGBT.

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<sup>1</sup> Various research studies show that the rates of suicidal ideation, attempts, and successful suicides among LGBT youth are 2-7 times the rate among heterosexual cisgender youth, because of differences in methodology; the most reliable and representative studies tend toward the finding that the rate among LGBT is 3 times greater than among heterosexual cisgender youth.

LGBT students used to get through middle and high school by holding their breath, and finding a supportive adult with whom they could talk once in a while, for support. Now, under the ABR, if they tell that adult about harassment they are experiencing in school, that adult must report it, which might lead to an “outing” of the student, both at school and at home, and therefore greater risk, not greater protection, for that student.

Because of this fear of “outing, some LGBT students who formerly could turn to an understanding adult for support are now hesitant to seek this help and even avoid the persons who could be most helpful to them in the school setting. A law that was supposed to protect them from harassment has instead removed the one source of support that many of them had, and replaced it with the fear of being “outed” and facing greater harassment at school and at home.

When the Anti-Bullying Task Force held six forums throughout the state during their first year, they heard first hand from Student Assistance Counselors who told them that the LGBT students, who used to come to their door to talk and find support, were now avoiding them.

Without clear guidance to schools, the result will continue to be that a law intended to protect a student has the reverse effect of causing potentially serious harm to the student. The amendments to regulations that you are considering MUST put in place safeguards to protect the privacy of a student regarding any sensitive information about a student. Furthermore, the regulations need to lay the groundwork for the promulgation of a guidance from the Department of Education to all schools to make them aware of this concern and require effective measures to mitigate potential harm to a student.

Regarding sections viii sections (1) on pp.14-15 of the Coalition document:

We concur that procedural measures must be in place for any situation in which an administrator makes a preliminary decision that a reported incident of harassment, intimidation or bullying in their judgment does not meet the definition of HIB in the ABR. There needs to be a record of such reported incidents, a clear statement as to why the incident does not meet the criteria for HIB, and the opportunity for appeal from the persons making the report or affected by the incident.

This latter recommendation comes from my experience at the Department of Education hearings on the incidences of bullying in schools that were held in 2007. At the hearing that occurred in Central New Jersey, there was frequent mention that a student, a parent, or a school employee had reported a situation of bullying to an administrator and many of the persons who testified had a common refrain: “No action was taken to end or prevent the bullying that was occurring.” I believe that this situation was one impetus for the development of ABR to replace the previous 2002 anti-bullying law in New Jersey. It would be ironic and counter-productive to return to an atmosphere where a student could experience HIB, have it reported, and no action be taken to end or prevent the bullying. Therefore, we strongly recommend that the measures in the previous paragraph be taken related to the possibility of a summary judgement on the part of the administrator.

Thank you for the opportunity to present these concerns to the Board of Education. We strongly urge that the full recommendations of the “Coalition for an Effective ABR” be incorporated into the amendments to regulations for the implementation of the New Jersey Anti-Bullying Bill of Rights.

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