

4-7-2011

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### Recommended Citation

Bultsma, Shawn (2008) "School Safety: An Educational Issue in Michigan's Political Arena," *Colleagues*: Vol. 3: Iss. 2, Article 7.  
Available at: <http://scholarworks.gvsu.edu/colleagues/vol3/iss2/7>

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FEATURE

# School Safety: An Educational Issue in Michigan's Political Arena

By Shawn Bultsma

Any child can become the victim of harassment or bullying in Michigan's diverse school environments. Harassment and bullying have taken on many new forms in schools with the advent of technology. For example, cyber-bullying has resulted in constant, invasive images and texts, and has afforded the bully a greater degree of anonymity and a wider audience than ever. Although resources maintained by organizations like the Center for Safe and Responsible Internet Use ([www.cyberbullying.org](http://www.cyberbullying.org)) have been developed to address these emerging forms of bullying, it has become clear that none of us is in a position where we can claim that harassment and bullying are "not our problems."

In September 2006 the State Board of Education in Michigan adopted a model for an anti-bullying policy designed to promote a safe school climate for nearly 2 million Michigan students attending over 3,700 public schools. This model policy defines "harassment and bullying" as any gesture or written, verbal, graphic, or physical act (including electronically transmitted acts—e.g., Internet, cell phone, personal digital assistant, or wireless handheld device) that is reasonably perceived as being motivated either by any actual or perceived



characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity, and expression; or a mental, physical, or sensory disability or impairment; or by any other distinguishing characteristics.

Since very few of Michigan's 550 school districts have adopted this policy, legislation has been introduced to ensure that school officials take active steps to end bullying. This new law would be named *Matt's Safe School Law* after Matt Epling who was assaulted by upperclassmen as part of a "Welcome to High School" hazing in the summer of 2002 (refer to side story).

The bill for the proposed anti-bullying legislation designed to address the prevalence of harassment and bullying in schools was introduced in the Michigan State House of Representatives in 2006 and reintroduced in 2007 as House Bill (HB) 4162. This bill was passed in the State House, after which it was sent to the State Senate Education Committee where it currently awaits action. If enacted, the proposed legislation would require school officials to work with parents and law enforcement officials to adopt and implement a policy that prohibits harassment or bullying as it is defined in the model policy adopted by Michigan's State Board of Education.

Supporters of HB 4162 insist that school-based harassment and bullying is destructive to the learning environment. When safety in schools is compromised by the presence of harassment and bullying, victims and bystanders are negatively impacted as fear interrupts the learning process. Those in favor of this legislation insist that harassment and bullying will be reduced if legislation requires each school district to adopt an anti-bullying policy that is intended to end it.

Proponents of this bill also argue that the model policy is not enough to address the issues of harassment and bullying, particularly given that so few schools have adopted it.

*Colleagues, Vol. 3 [2008], Iss. 2, Art. 7*  
Associations in support of HB 4162 include the Michigan Department of Education, Michigan Counseling Association, Michigan School Counselor Association, Michigan Association of School Social Workers, Michigan Education Association, American Federation of Teachers-Michigan, Michigan Association of School Administrators, and Michigan Association of Secondary School Principals.

Those who oppose HB 4162 argue that a state mandate is not necessary since school districts already have a Model Anti-Bullying Policy adopted by the State Board of Education. They note that districts can and should adopt this policy tailored to their particular student body and circumstances. Others led by the American Family Association of Michigan (AFAM) have argued that HB 4162 creates a new protected class, "sexual orientation," under the civil rights law. As the only association formally identified in opposition to HB 4162, AFAM insists that such a mandate "requires public school officials to legitimize and protect the practice of homosexual behavior by formally recognizing such behavior as the basis of offering specially designated protection to students who engage in it." Those who agree with this position suggest that enumerating specific groups in legislation is not necessary since all students should be protected from harassment and bullying.

At the national level 36 states have passed anti-bullying legislation to date. There are currently 11 states that protect students from harassment and bullying based on sexual orientation and only 7 states protect students on the basis of gender identity/expression. The remaining states do not enumerate within their anti-bullying laws. Arguments for enumeration include the need to underscore that special attention must be given to those who experience the most harassment and bullying in schools.

In its report titled *From Teasing to Torment:*

*A Report on School Climate in Michigan* (2005), the Gay, Lesbian, and Straight Education Network (GLSEN) reported that barely half of 199 Michigan students who participated in a nationwide survey reported being protected by school inclusive anti-harassment policies in their schools. GLSEN reported:

History and the Supreme Court tell us that enumerating policies is necessary. Girls would not have sports and our schools would not be integrated if policymakers had not specifically addressed these inequities by enumerating categories like sex and race in our laws. The Supreme Court of the United States noted in *Romer v. Evans* that "Enumeration is the essential device used to make the duty not to discriminate concrete and to provide guidance for those who must comply."

As a result, GLSEN recommended that state-level safe school legislation be adopted to include specific enumerated categories, such as sexual orientation and gender identity. GLSEN concluded that passing, effectively implementing, and enforcing state laws that clearly prohibit discrimination and harassment on the basis of real or perceived sexual orientation and gender identity can help school districts avoid expensive lawsuits. It can also help districts in fulfilling their general mission—to provide a safe and effective education for all of their students.

No one denies that harassment and bullying need to be addressed in schools to improve school safety. Although it is not known whether HB 4162 will pass the House Senate and emerge from Michigan's political arena as *Matt's Safe School Law*, a question remaining for Michigan residents is whether anti-bullying legislation could improve educational outcomes for all students. As a friend of public education with a vested interest in school safety, contact your State Senator to voice your opinion in terms of the actions taken on this bill. ☺

## Matthew Alexander Epling (1988-2002)

In eighth grade Matt Epling was voted by his classmates to have the best smile, the best personality, and most likely to become an actor. Matt was on the honor roll in his middle school as well as the citizenship roll. Matt's creativity was evidenced in his writing, poetry, art, participation in drama, and his sense of humor.

On Matt's last day of eighth grade he was assaulted by upperclassmen as part of a "Welcome to High School" hazing in 2002. Little did Matt know that lurking around the corner was a parked car, and three upperclassmen were waiting for him and a friend. The upperclassmen restrained Matt and his friend and said, "Welcome to high school."

The upperclassmen proceeded to pour syrup on them and smash eggs on their heads. Matt and his friend fought back and stood up for each other. The main attacker



told Matt, "Stop fighting. This is how it is!" Although this was assault and battery, little was done to those who perpetrated the

crime. Roughly forty days later the night before his parents planned to go to the police to begin formal charges, Matt ended his life.

Since 2001, at least four other families in Michigan have suffered the similar loss of a child who was harassed and bullied: Kristina Calco (1989-2005), Chrystal Eaton (1987-2003), Austin Murphy (1991-2007), and Tempest Smith (1988-2001). Several of these families have provided testimony in hopes of passing Matt's Safe School Law so that no child or family has to go through what these children and families have experienced.

Information for this side story was taken from the website set up by his parents and sister ([www.MattEpling.com](http://www.MattEpling.com)).