

## OUT OF SCHOOL BEHAVIORS: A PRINCIPAL'S RESPONSIBILITY?

*Karen Siris, Ed.D\**

I have never regretted my decision to become an elementary school principal. In fact, I am grateful that I am in a profession that brings me both challenges and joy on a daily basis. To walk into a school building and see smiling faces greeting me each morning makes everything right with the world. No matter what might be happening outside of the fortress—I enter, seeing the innocence, wonder, and delight of school children makes the hours spent within these walls rewarding ones.

This is not to say that the responsibility of being *in loco parentis* to over 300 children each day is not without its demands. Early on, my greatest challenge was keeping the children safe from the social cruelty they felt from their peers. Finding solutions to this problem led me to my doctoral research, on the topic of teachers helping to end bullying in their classrooms. Together, we have created a culture of civility in our children and have taught them to be “allies” and “upstanders” to their classmates. However, with the advent of social networking, texting, YouTube videos, and constant access to each other's worlds, the challenges have become greater. The question becomes, where does my responsibility end, both morally and legally?

Although my colleagues in middle school and high school are often surprised that as an elementary school principal, I face these challenges, the fact is, that for the past five years the incidences of cyberbullying and more recently inappropriate YouTube videos that have been brought to my attention have increased. They come to me through my students and parents of

---

\*Principal, Oceanside School District; featured on NBC, CBS News, and ivillage.com; recipient, Outstanding Dissertation of the Year Award from Hofstra University; serves on the New York State Education Task Force, recommending strategies for implementation anti-bullying legislation.

my students, and have involved children as young as nine years old and in the fourth grade. Educators are faced with a legal challenge when our interactions with our students involve their First Amendment rights for freedom of speech. The situations become even more challenging when we choose to become involved with students' actions when they take place off of our campuses. Where does our authority begin and end?

The legal test comes from a 1969 Supreme Court case, *Tinker v. Des Moines Independent Community School District*,<sup>1</sup> in which a school suspended students for wearing black armbands to protest the Vietnam War.<sup>2</sup> In *Tinker*, the United States Supreme Court defined the constitutional rights of students in public schools.<sup>3</sup> The Supreme Court crafted a balance between a school's authority and a student's freedom of expression by saying that when a student's speech interferes substantially with the school's educational mission, a school can impose discipline.<sup>4</sup>

The problem with this decision lies with the interpretation of how "interferes substantially" is defined, since there is subjectivity in this criteria.<sup>5</sup> Arguments for both sides of a dispute can make a case for substantial or non-substantial interference or disruption. More than forty years later, *Tinker* is now being cited in off-campus cyberbullying and YouTube cases when a disruption is caused in the school building due to the aftermath of these incidences.<sup>6</sup>

As a principal, I feel a responsibility to deal with bullying and cyberbullying incidences that are brought to my attention, if they endanger the instigator of the problem or the victim. I feel it is my moral obligation to insure that my students meet their maximum cognitive potential and in order for them to do so their social and emotional needs must also be met. According to Dr. Marc Brackett, Research Scientist in the Department of Psychology at Yale University and Deputy Director of Yale's Health, Emotion and Behavior Laboratory and Head of the Emotional Intelligence Unit in the Edward Zigler Center in Child

---

<sup>1</sup> 393 U.S. 503 (1969).

<sup>2</sup> *Id.* at 504.

<sup>3</sup> *Id.* at 514.

<sup>4</sup> *Id.* at 505-09.

<sup>5</sup> Sameer Hinduja & Justin W. Patchin, *Cyberbullying Fact Sheet—A Brief Review of Relevant Legal and Policy Issues*, [http://www.cyberbullying.us/cyberbullying\\_legal\\_issues.pdf](http://www.cyberbullying.us/cyberbullying_legal_issues.pdf) (last visited Mar. 26, 2012).

<sup>6</sup> *Id.*

**Development and Social Policy:**

need safe, supportive, and empowering [learning] environments . . . [so they can] thrive in school, at home, and in their friendships. . . . Emerging scientific evidence indicates that helping children to become emotionally literate[—developing the skills of recognizing, understanding, labeling, expressing, and regulating emotion—] is possible and beneficial. It requires support from all the adults involved in the education of children (including teachers, school leaders, and parents), . . . evidence-based [practices] and [continuous] skill-building opportunities from preschool through high school.<sup>7</sup>

Throughout a school day there can be interruptions of instruction for varied reasons. Students may disrupt a class by defying classroom rules, ranging from general misconduct to serious bullying behaviors. They may come to school distraught over family crises that may have occurred that morning or the night before, they may have overslept and arrived late to class, causing a disruption to a teacher's well planned lesson. Teachers and principals, when necessary, have the authority to intervene in these situations. They may impose consequences when necessary and solicit support from psychological support staff when indicated. There is no question as to a school's authority to intervene when an incident has taken place on the school campus or during school sponsored after school activities.

Since the advent of the Internet and the many variations of social networking that have evolved, there are now new ways for children's learning environments to be "substantially disrupted." Students may now come to school distraught over comments that have been posted on Internet sites and that have been forwarded to many of their friends, acquaintances, and countless strangers. They may have been taunted about their weight, their height, their skin color, and their sexual or perceived sexual preference. False rumors, altered pictures, and YouTube videos mocking them may have been posted and gone viral. Clearly, these types of behaviors have happened away from the school premises, and received in the privacy of a student's home.

The problem is the aftermath of these behaviors that appear on school campuses the next day. They may be reported to the

---

<sup>7</sup> Susan E. Rivers, *The RULER Approach and Bullying Prevention: Combating Bullying Through Emotional Literacy Skill Building*, RULER, <http://www.therulerapproach.org/index.php/ruler-on-bullying> (last visited Mar. 26, 2012).

principal through a concerned and “upstanding” parent. Sometimes the parent seeks anonymity; fearful that his or her child will be further harassed if the perpetrator knows of the report. Sometimes the student, seeking help, brings the information directly to the teacher or principal. Frequently the students may be too distraught to function in class, and through a caring adults observation and inquiry, they may share the reason for their distress.

The question of intervention in these types of off campus misdoings arises. The parents of the perpetrators and certainly the perpetrators themselves, in almost all situations, believe that their off-campus behaviors should not be addressed in school. They believe, as referred to in *Tinker*, that their First Amendment rights have allowed them these behaviors and that their schoolteachers or administrators may not impose sanctions.

As an instructional as well as a social and emotional leader and chief mentor in my school, I cannot allow the learning environment be disrupted, whether or not the cause of the upset was initiated within our walls. In order to learn optimally, our students must feel safe emotionally and physically and unburdened by thoughts of harassment and feelings of embarrassment.

Although the law does not make it easy for school officials to become involved in inappropriate and dangerous off-campus behaviors, it does not take away a school’s moral responsibility to keep their students safe. It is our responsibility to use restorative justice methods, employ the use of our social workers and psychologists, and to talk seriously to the parents of our students about closely supervising their children and keeping them out of danger. This is our responsibility, whether or not these behaviors happen within our schoolhouse gates. Some administrators claim they cannot intervene in cases such as these, where the behaviors were started outside of school, due to restrictions such as those cited in *Tinker*.<sup>8</sup> However, much can be done without traditional sanctions and consequences.

Within a principal’s jurisdiction is parent, as well as student, education. Clearly, children and their parents must learn the

---

<sup>8</sup> See e.g. Jan Hoffman, *Online Bullies Pull Schools Into the Fray*, N.Y. TIMES.COM (June 27, 2010), <http://www.nytimes.com/2010/06/28/style/28bully.html?pagewanted=all> (examining a situation where comments were made online and off-campus and a principal believed he had no ability to regulate or enforce school policy).

dangers of inappropriate Internet use. They, and their parents need to be taught about the importance of proper supervision and how to use social networking in ways that will enhance rather than destroy their lives. Their talents should be directed in constructive ways, for example in creating positive videos, ones that can help teach other children about bullying and cyberbullying prevention among other public service topics. They should be encouraged to use social networking sites to discuss important matters, to continue or debate academic and societal issues, and to stay connected with people around the world to enhance their knowledge and their worldly views. This too is part of our responsibility as educators.

Restorative justice intervention is most definitely allowable in our schools. Helping students recognize their behaviors that have caused harm, and holding them accountable for finding a way to right their wrong is not only allowable under the law, but in many cases preferable to harsh consequences. It holds the key to giving principals the authority to intervene in dangerous behaviors that are causing their students emotional and long lasting harm and at the same time improving the lives for those who have inflicted the pain.

Parents and children should be made aware that although the long lasting effects on a victim's life are serious, causing loss of self-esteem and depression into adulthood, the long lasting effects for the bully are equally if not more damaging. Boys who researchers classified as bullies in grades six through nine are more likely to be convicted of at least one crime by the age of twenty-four.<sup>9</sup>

This further emphasizes the importance of intervening in these situations and helping our students right their wrongs in ways that restore justice and order to their lives. School officials should not be scared away by the parameters of laws that do not allow us to impose consequences, but instead should find effective alternatives to helping our children and families recognize the dangers of bullying and cyberbullying behaviors and correct them through restorative justice strategies. Hopefully, schools that value caring, kindness and respect for all will serve our children well and help them enter society with a

---

<sup>9</sup> Dan Olweus, *Peer Harassment: A Critical Analysis and Some Important Issues*, in *PEER HARASSMENT IN SCHOOL: THE PLIGHT OF THE VULNERABLE AND VICTIMIZED* 3, 8–9 (Jaana Juvonen & Sandra Graham eds., 2001).

**610**

**ALB. L.J. SCI. & TECH.**

**[Vol. 22.3**

greater chance of leading productive and rewarding lives.