

SCHOOL BULLYING

Stories about school-based bullying have unfortunately become a regular feature in the news cycle. This is part of an overall increasing trend of bullying in the United States.

School districts everywhere are concerned about bullying. Obviously bullying can negatively affect the safety and culture of the learning environment. But districts also have another concern: legal and insurance risks that bullying can cause. Since bullying is legally considered to be a type of harassment and/or discrimination, this creates additional risks for school districts.

Often bullying victimizes students who are demographically placed in federally protected classes. Such a classification can remove barriers to legal action in federal court; an action which removes state liability caps from financial judgments. This creates heightened risk for financial claims against your general liability insurance policies. While a district can't prevent all bullying, the legal test is often whether a school district is making an attempt to fulfill their legal responsibilities to create a safe environment. This means districts should have policies, processes, and resources in place to help curtail bullying on their campuses.

Districts have multiple avenues to identify resources to assist them in their anti-bullying efforts, including:

- **Government entities:** Both the federal and state government have resources online available to schools to help them prevent bullying. Examples include www.stopbullying.gov from the federal government and the Wisconsin Department of Public Instruction has an [entire section of their website](#) dedicated to bullying prevention. Both sites also have tools to help identify risks, response resources, assessment tools, and sample policies for your use.
- **Non-profits:** There are plenty of non-profit organizations that focus on curbing bullying and harassment. Examples include the [Wisconsin Safe and Healthy Schools Center](#) and [CyberWise](#).
- **Insurance carriers/brokers:** Your insurance partners may have access to resources designed to help minimize this risk. Reach out to your carrier or insurance broker to understand if they have resources available to assist your efforts.

Takeaway: No school is exempt from bullying and the risk exposures that come with it. If a district hasn't addressed this topic yet, we encourage them to aggressively address the situation. If a district has addressed it, now is a great time to review their policies and procedures to make sure they are up-to-date with the latest resources.

Marty Malloy is an Account Executive and the Director of Education & Government Practice at M3 Insurance

Bullying itself doesn't happen in a single way, to a single group, or at a specific venue.

We know from data that bullying can happen across all demographics, actions, and venues.

Simply put: Any child can be bullied for any reason, in any way, from the lunch room to their social media account.