

**NASSAU-SUFFOLK  
SCHOOL BOARDS ASSOCIATION**

**TESTIMONY PRESENTED BY  
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NASSAU-SUFFOLK SCHOOL BOARDS ASSOCIATION**

**RESOLUTION 1507  
Increasing accountability of schools  
on bullying behavior**

**Suffolk County Legislative  
William H. Rogers Building  
725 Veterans Memorial Highway  
Hauppauge, New York**

**JUNE 8, 2010**

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**Good afternoon. My name is Lorraine Deller. I am Executive Director of the Nassau-Suffolk School Boards Association. On behalf of its member boards of education, the Association wishes to comment on Resolution 1507, a Bill that seeks to have the County establish requirements upon schools located in Suffolk County with respect to incidents of bullying behavior on the part of students.**

**Given the time restrictions placed upon this testimony, our position is not to debate the substance of anything in this Bill. In our capacity as trustees responsible for our communities' children, we come before you in the belief that you share our concern that at the end of the day we don't have conflicting, duplicative laws that do nothing to help protect kids.**

**With that in mind, I call to your attention the word "comity", a term with which you, as legislators, are familiar. Comity defines the relationship between sovereign governments...governments respecting one another's jurisdictions, respecting one another's powers, giving due deference to one another's authority. Principles of comity prevent a County Legislature from usurping the governance roles of duly elected boards of education, the Commissioner of Education and New York State Legislature by dictating the conduct of, or meting penalties upon, school employees. Conversely, were school districts willing to comply with the requirements in this Bill, under the principles of comity they would not have the ability to cede their governance authority in order to do so.**

**Counties have no more authority to legislate school matters than schools do to legislate county affairs. Should the Suffolk County Legislature elect to disregard the principles of comity, would legal reciprocity then permit school boards to pass resolutions directing the County police, under penalty of fine, to thoroughly investigate and report on each and every reported incident of bullying behavior as defined by the County Legislature?**

***(...i.e. "any physical, verbal or psychological attacks or intimidation directed against a student who cannot properly defend him- or her- self, including, but not limited to assaulting,; tripping; shoving; threatening; intimidating; spreading rumors about another; isolating another; humiliating; demands for money; blackmailing; destruction of another's property; theft of another's valued possession; destruction of another's work; and name calling.")***

**New York State Education Law is clear as to who has authority over schools. Public school governance is vested in duly elected boards of education, the Commissioner of Education, New York State Board of Regents and New York State Legislature. We are creations of New York State Government and not County Legislatures.**

**While we appreciate the concern that bills like this one evidences, bullying is not an isolated problem of the school. Encouragement and even celebration of disrespect permeates so many aspects of our culture, be it in movies like "Mean Girls", trash talk in sports, and the demeaning of one's opponent in political advertisements. However, school boards, administrators and staff are sensitive to the growing need to maintain a school environment that does not foster bullying or other uncivil behaviors.**

**One need only view the Codes of Conduct of local school districts to comprehend the range of civil and social behaviors that are addressed by our schools on a daily basis. PROJECT SAVE, Safe Schools Against Violence Act, enacted by the State in 2000, provides a wide-ranging context in which school districts address critical issues of safety and security. One element of PROJECT SAVE provides for ongoing review of school safety measures so as to meet evolving dangers, such as cyber-bullying. In addition, all schools are required to file VADIR reports of all violent and disruptive incidents with the State Education Department. Should a principal or school leader violate the law, they are subject to lose their certification and thus their livelihood. It is the State Education Department that is responsible for making these decisions.**

**Combating the pervasive encouragement of bullying behavior necessitates individuals and entities addressing it both independently and cooperatively. Nothing can be accomplished by transferring accountability to others.**

**The rules of comity are designed to prevent regulatory and legislative chaos by espousing courtesy and considerate behavior among all levels of government. In the interest of civility and deference, Nassau-Suffolk School Boards Association respectfully asks that this Bill be withdrawn.**