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The Honorable David Sharpe, Chair
House Education Committee
Vermont Legislature
Montpelier, Vermont

RE: H.830- An Act Relating to Bullying

Dear Chair Sharpe and Members of the Committee,

Thank you for the opportunity to address the important issue of bullying in Vermont schools.

The Vermont Human Rights Commission is the State's civil rights enforcement agency. We have jurisdiction over places of public accommodation which includes schools. Our jurisdiction in the area of hazing, harassment and bullying is limited to cases involving harassment based on a student's protected status. The HRC does not have any jurisdiction over allegations related to bullying or hazing.

If a student is harassed, that student has the right to an independent review with recommendations from a neutral party and the right to file a complaint with the HRC. The harassment law also applies to staff on student harassment. For bullying and hazing there is no right to an independent review, no right to an appeal to the HRC and bullying only covers student to student behavior.

The Vermont Health Department has begun releasing its analysis of the 2015 Youth Risk Behavior Survey (YRBS). The good news from the YRBS is that percentage-wise fewer students reported being bullied as compared to the 2013 and 2011 data but it is clear that the issue has not gone away. The preliminary analysis of the data indicates that 24% of middle school students and 18% of high school students reported being bullied within the last 30 days.¹ Fifty-six (56) percent of middle school students reported being bullied 1-2 times in the past 30 days; 23% 3-5 times; and 21% 6 times or more. For high school students, the percentages were 48% 1-2 times; 21%, 3-5 times; and 30% 6 times or more. Females are more likely to be bullied than males. Seven percent of middle school students and 6% of high school students reported not feeling safe going to and/or being in school. Cyberbullying which can go on 24/7 makes bullying inescapable in some cases.

¹ The definition of bullying provided in the national YRBS is broader than Vermont's definition so this data is likely higher than if the Vermont definition was used.

More disturbing than these figures, however, are the number of students who reported experiencing mental health issues, including self-harm, who also reported being bullied. The Department of Health representative at the Hazing, Harassment & Bullying Advisory Council meeting in March reported that while she has not yet completed the full cross analysis of the data, there is a very high correlation between bullying and suicidal ideation.

During the last calendar year, the HRC received approximately 60 phone calls related to allegations of bullying. These usually present with frustrated parents who have attempted to resolve the issues through the school and have been unable to do so to their satisfaction. As a result, their child may be truant, suicidal, or the parent may have removed the child from the school and be paying tuition to have their child educated in a safer place. The HRC attempts to refer these parents to appropriate resources (including appeal processes through the school if they have not exhausted them) but in many cases there is simply nothing else for the parent to do. This is very frustrating for both the parents and the HRC.

The HRC believes that more needs to be done to address bullying. H.830 is a very reasonable step in that direction. HRC fully supports these changes. While I would like to say that the HRC should also have jurisdiction to investigate bullying complaints, the agency does not presently have the capacity to take on bullying investigations. The HRC's caseload of all cases accepted for investigation is approximately 70-80 cases per year. Sixty bullying cases would obviously strain our already limited resources.

However, providing a right to an independent review for bullying cases and extending the statute to include staff to student bullying would at least provide some additional protection for students and parents without, in my opinion, straining school resources. While this is anecdotal, I believe that part of the reason HRC receives so few harassment complaints is because the other remedies available result in better, more thorough investigations and the independent reviews provide a relief valve in those instances when parents are dissatisfied.

In terms of other considerations, we would recommend including language in Section 2, §570c(5) qualifying that alternative dispute resolution should be used "only when appropriate." It is important to ensure that there is not a power imbalance in the process that leaves the victim feeling even less safe.

Our schools need to be safe places for all students to learn and grow. The HRC appreciates the Committee's time and interest in this very important issue.

Sincerely,



Karen L. Richards
Executive Director

cc: Rep. Kathleen Keenan
Senator Ann Cummings, Chair Senate Education Committee