

Bernice Garnett's testimony regarding changes being considered to current bullying laws and procedures, April 14, 2016: House Education Committee

Good morning, my name is Bernice Garnett and I am an Assistant Professor in the College of Education and Social Services at the University of Vermont. I have a masters and doctorate in public health, which is a discipline primary focused on primary prevention of deleterious outcomes through environmental and structural changes to systems, policies, procedures and programs. To date, most of my research has been on bullying, discrimination and youth harassment, school climate and obesity prevention. At the University of Vermont, I designed and teach a class on Bullying and Discrimination prevention within the Department of Education for pre-service educators, social workers and other school based professionals and other undergraduates interested in working with youth in a variety of settings, e.g., coaches, nurses, occupational therapists, psychologists etc. Additionally, for the past two years, I have served as the Chair of Secretary Holcombe's Hazing, Harassment and Bullying Prevention Advisory Council. My remarks today are both aligned with my role as the Chair of this council, and therefore supportive to Secretary Holcombe and the Agency of Education, as well as related to my own position as an academic scholar in the area of bullying, discrimination and school climate.

H.830 Bill and Model Procedures Update: Evidence based policy

I recognize and understand that the events surrounding H.830 are incredibly sensitive and I certainly do want to acknowledge the emotional context and backdrop for this bill and updates to the current anti-bullying policy in Vermont, however I wanted to focus my comments and remarks today on the critical importance of primary prevention and fostering a positive school climate to avoid incidents and situations, such as this one. As I currently Chair the Hazing, Harassment and Bullying Prevention Council, we have spent a great deal of time this academic year discussing implementation of the new model procedures and policies – specifically focusing on trainings and support for schools around bullying, hazing and harassment investigations. However, there is less support and resources for the primary prevention of these behaviors and an explicit focus on building a positive school community and climate and encourages strong relationship between parents, staff, and students – built on safety, engagement and communication. Furthermore, in the current landscape the AOE, and therefore the work of the Council, is under supported and under resourced to devote the necessary capacity to school climate and primary prevention activities. As a public health scholar, the cornerstone of public health is creating environments, policies and strategies that focus on prevention. There is a great deal of energy federally and locally on the importance of school climate. I wanted to quickly comment on research that supports evidence-based anti-bullying policies and effective programs and policies that support and foster a positive school climate.

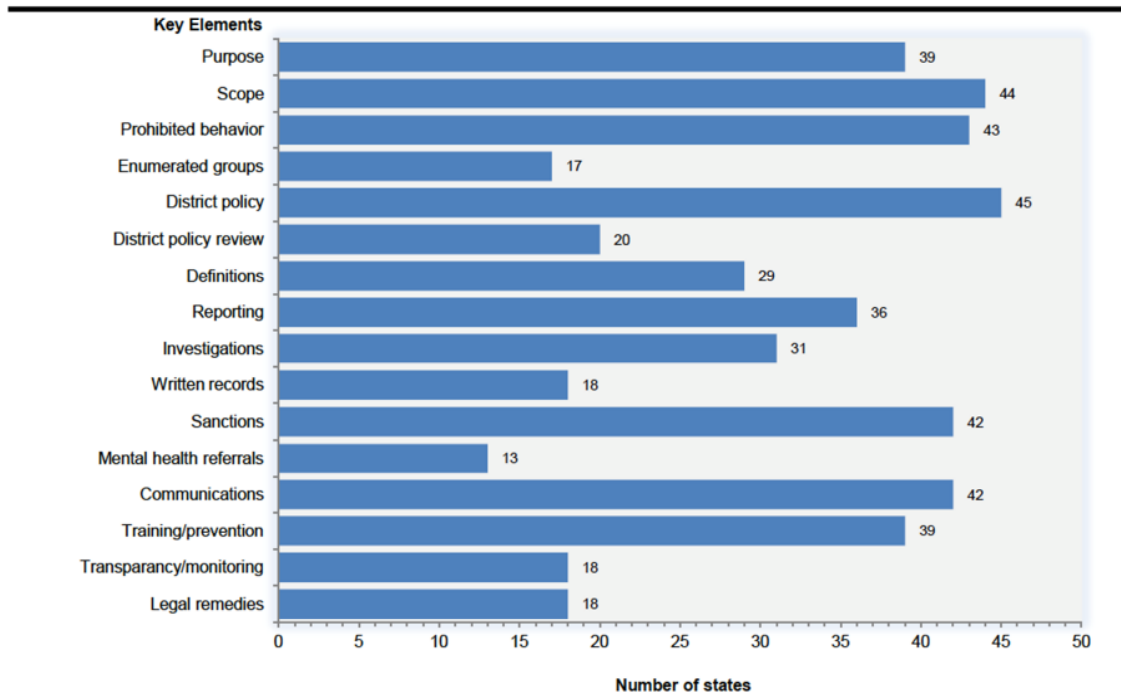
According to the United States Department of Education there are 11 key components for effective and comprehensive anti-bullying laws grouped into four domains:

- 1) Purpose and Scope: purpose of law, scope of school jurisdiction for regulating behaviors, definition of behaviors and the enumeration of specific groups
- 2) District Policy Development and Review: guidance and requirements for districts to implement policies and for state education agencies to review policies for compliance
- 3) School District Policy: how policies will be implemented and communicated and measured at the local level, e.g., investigations, reporting, written records, consequences and mental health
- 4) Additional Components: legal remedies and prevention training

The USDOE in 2011 reviewed existing state policies to illustrate the varied nature of state level policy and implementation at the local level (see Figure).

More recently Mark Hatzenbuehler from Mailman School of Public Health at Columbia University, along with colleagues, reviewed the associations between anti-bullying laws and bullying behaviors in 25 states. They linked the key components at the state level identified by the USDOE to see if there was a relationship with student self report of bullying as detailed in state level YRBSS data. They found that the three components that were related to a reduced odds of experiencing bullying were: 1) statement of scope, 2) definition of prohibited behaviors, and 3) requirements for school districts to develop and implement local policies. Vermont, according to the USDOE, has all of the listed sixteen components minus legal remedies, but this was based on a 2011 review and not based on updated model procedures.

Exhibit C. State legislation coverage of U.S. Department of Education-identified key components, by number of states (n=46)



Evidence-based policies and practices to foster and improve a positive school climate as a primary prevention strategy to prevent bullying, harassment and youth aggression

As bullying behaviors are connected and intersect with other forms of youth violence including, discrimination, harassment, hazing, sexual violence and are also related to various risk factors within family, community or school, it is important to think comprehensively about bullying prevention and focus on fostering and building a positive school climate that is defined by high structure and high support. School climate is defined based on “the patterns of people’s experiences of school life and reflects norms, goals, values, interpersonal relationships, teaching and learning practices and organizational structures.” Moreover, school climate is a multi-faceted construct that can be operationalized by the United States Department of Education’s (USDOE) safe and supportive school model, which illustrates three main domains of school climate: engagement, safety and environment ([Education, 2015](#)). A positive school climate is critical to student academic and social-emotional development as well as the overall physical and social emotional safety of the collective school community. Mounting research has associated a positive school climate, specifically high levels of structure and support and student engagement, with reductions in aggression and violent behavior, decreased bullying victimization ([Klein et al., 2012](#); [Gregory et al., 2010](#); [Waasdorp et al., 2011](#); [Gage et al., 2014](#)) sexual harassment ([Birkett et al., 2009](#)), and student risk behavior ([Klein et al., 2012](#)) and improvements in teacher safety through decreased victimization

([Gregory et al., 2012](#)). Positive school climate is fostered through a shared and collaborative visit of respect and engagement across the educational system and requires sustained commitment by students, staff and community. There are several policies and practices identified in the literature that support a positive school climate including, PBIS, restorative justice, social emotional learning programs, like responsive classrooms, 2nd step and RULER (Sheras & Bradshaw 2016). Because of the importance of a positive school climate for academic and behavioral outcomes, the newly enacted Every Student Succeeds Act, prioritizes the measurement and utilization of school climate in school improvement and accountability models. This is also echoed in the recently revised Vermont Education Quality Standards. Given these two shifts in educational policy at the federal and state local level, I would encourage this committee and others to consider focusing on policies and practices that emphasize building, fostering, creating and evaluating school climate as connected to the work of bullying prevention. This will require resource allocation and support for state and local education agencies.

Of course, having clear and consistent procedures for investigations and reporting as well as formative (not merely punitive) consequences that are youth-centered and a process for families to seek recourse in the event they are dissatisfied with a school district's response to events is absolutely critical and important, but these are all reactive strategies that address behaviors and events after they have occurred and not procedures and policies that focus on prevention of such behaviors. There are exemplar models of schools across Vermont that are implementing innovative school discipline strategies and addressing challenging behavior through tiered levels of support and structure and intentional collaboration with families and designated mental health agencies. We, as a state, should be building on these local success stories, integrated with evidence based practices to ensure the all students and staff feel safe, connected and engaged with their school community.