

Nicole Mace

3/22/16



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To: Senate Education Committee  
From: Nicole Mace, Executive Director  
Re: Hazing, Harassment & Bullying in Schools  
Date: March 22, 2016

Student safety and school climate are priority issues for the Vermont School Boards Association. In 2012, we supported the requirement that all school districts adopt a bullying policy that is no less stringent than one developed by the Vermont Agency of Education. We also believe that a critical need in this area is a strong coordinating effort at the state level. That is why we proposed the creation of an advisory council led by the Secretary of Education, which was included in Act 129 of 2012 as well. The purpose of the Hazing, Harassment and Bullying (HHB) Council is to review, support, and coordinate school and statewide activities related to the prevention of and response to harassment, hazing, and bullying.

From 2014-2015 I served as co-chair of the state HHB Council. In that role, I worked with the Agency of Education and other stakeholders, including the Human Rights Commission, to develop a revised policy governing Hazing, Harassment & Bullying that requires administrators to treat every allegation of misconduct that *could* be hazing, harassment or bullying as a harassment investigation. This prevents administrators from making an incorrect assessment of what type of conduct is involved, and is designed to ensure a consistent investigation procedure is followed in a timely manner. The revised policies and procedures were released to the field in May of 2015. Districts spent this past fall adopting the new policies and procedures and providing training to staff so that they would be followed during the 2015-2016 school year.

The HHB Council has engaged in a number of other activities designed to support school districts in responding to school climate issues. In 2013 we embarked on a statewide listening tour where we met with student groups in several high schools around the state to hear their perspectives on hazing, harassment and bullying. It was clear from those visits that school climate has a significant impact on students' ability to focus on their educational experience. Students expressed frustration with adults who seem unable or unwilling to prevent this type of conduct. Administrators expressed frustration with the amount of time being consumed by investigations,

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paperwork, and discipline proceedings, noting that these activities did not seem to be addressing the root causes of the problem.

Members of the HHB Council also coordinated training events for bus drivers and are currently undertaking an assessment of the professional development offerings and school climate resources development. The Agency of Education does not have a dedicated staff person to support the activities of the Council, so these efforts are accomplished largely through the efforts of the members of the Council, many of whom are volunteering their time because they believe these issues are of critical importance.

Because we believe that the best way to ensure schools are able to appropriately prevent and respond to hazing, harassment and bullying is to coordinate training activities at the state and local level, we oppose the statutory changes included in H.830. The position of our Association is that the current body of law governing hazing, harassment and bullying – including Vermont statutes, and state and federal case law – appropriately balances the needs of students to be free from hazing, harassment and bullying and of schools to have the opportunity to promptly and appropriately respond to allegations of this type of conduct.

The provisions of H.830 will create a significant burden for school districts and increase the risk that schools will have to hire administrators to become full-time investigators of student misconduct. The current policies and procedures recognize that investigations must be conducted in a thorough and timely manner and require processes to resolve the issue, including mediation, appeals, and safety plans. Districts need time in order to ensure their staff are up to speed on the new requirements before asking them to incorporate new ones. This issue is one of many that administrators are trying to address in our schools, and one that they need time, support, and resources to tackle.

Stories like the one that prompted this legislation are heartbreaking and challenging for all parties. They also raise questions about how we can better support school administrators and families to navigate these situations in a manner that ensures the safety and wellbeing of all involved. Again, we urge this body to ensure that the Agency of Education has the resources it needs to provide school districts with the technical support they need.