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TO: House Committee on General and Housing
FROM: Office of Racial Equity
DATE: April 25, 2023
RE: Letter of testimony on proposed amendments relating to Draft Language to Amend Education Harassment Statutes to S.103, An act relating to amending the prohibitions on discrimination

Dear Chair Stevens and Members of the House Committee on General and Housing,

The Office of Racial Equity supports the addition of the [Draft Language to Amend Education Harassment Statutes](#) to S.103, An act relating to amending the prohibitions on discrimination. The recommendation to enhance the protections from harassment and discrimination for students in schools was put forth in the First Report of the Racial Equity Task Force, published in September 2020.¹ The Office asks the House Committee on General and Housing to finish the implementation of these comprehensive protections from harassment and discrimination that were recommended at least 3 years ago.

Studies of adolescents in the United States showed that adolescents of color tend to experience higher rates of bullying compared with White adolescents.² Bullying disproportionately affects students of color, students who are LGBTQ+, students with disabilities, and students with intersectional identities that encompass multiple protected classes.³ Bullying and use of social media are associated with increased rates of depression, anxiety, and suicidal ideation among adolescents.² Bullying over social media may take place during school hours or outside of school hours.³ The serious mental health impacts of bullying affect students' access to education.

The article "School and Legislative Strategies to Prevent Cyber Bullying" by the National Federation of State High School Associations clearly articulates that it is possible for schools to hold students accountable for conduct that may rise to the level harassment that takes place

¹ Davis, X. et. al. (2020). *Report of the Racial Equity Task Force*.

https://racialequity.vermont.gov/sites/reap/files/doc_library/RETF%20Report%201%20FINAL.pdf

² Perry J, Devore SK, Pellegrino C, Salce AJ. Social Media Usage and Its Effects on the Psychological Health of Adolescents. *NASN School Nurse*. 2023;0(0). doi:10.1177/1942602X231159901

³ Polanin, J.R., Espelage, D.L., Grotzinger, J.K. et al. A Systematic Review and Meta-analysis of Interventions to Decrease Cyberbullying Perpetration and Victimization. *Prev Sci* 23, 439–454 (2022).
<https://doi.org/10.1007/s11121-021-01259-y>

online without impacting the students' First Amendment rights.⁴ The Office is confident that with the addition of the Draft Language to Amend Education Harassment Statutes to S.103, it will be possible for the Agency of Education and other interested parties to craft a policy that holds the perpetrators of bullying accountable and protects marginalized students' access to education.

Title IX only protects students from sex-related discrimination and not discrimination based on race, ethnicity, national origin, or disability status. The Office supports passing additional protections from harassment and discrimination for students immediately during this Legislative session. It is more important for students to receive justice and protection under the law than to wait for the release of federal Title IX guidance.

Additionally, these protections under the law are likely to be more protective of students' rights than what the changes under federal Title IX update requires. Thus, the Legislature is not likely to need to amend the Vermont Statutes' definitions of harassment or discrimination in response to the federal Title IX updates. The State's definitions of harassment can be more protective of students than the federal Title IX updates. Similar provisions were considered in Legislative session 2022. It is time to provide enhanced protections from harassment and discrimination for students that equals the protections under employment and in housing for adults.

⁴ Green, L. (2015, March 12). *School and Legislative Strategies to Prevent Cyberbullying*. National Federation of State High School Associations. <https://www.nfhs.org/articles/school-and-legislative-strategies-to-prevent-cyberbullying/>