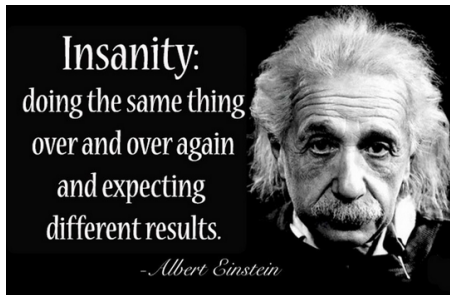
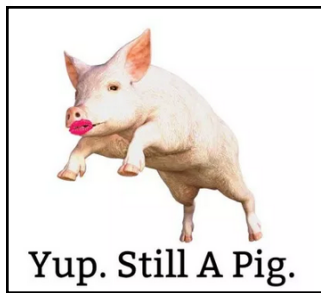




To: House Education Committee  
 From: Nancy Willard, M.S., J.D.  
 Re: HB 3032 (and HB 2342 and HB 3050)



I had difficulties deciding which illustrative image to provide you, so I decided to include both.

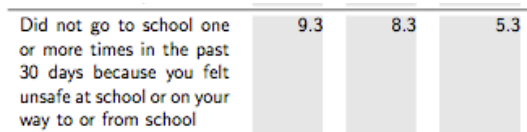
The major components of Oregon’s anti-bullying statute, ORS 339.351 to 339.364, have been in effect since 2001. In your opinion, how well is this approach working?

HB 3023, as well as HB 2342 and HB 3050, are all obviously well-intentioned efforts to put lipstick on a pig to try to improve Oregon’s bullying prevention statute. The end result will still be a pig. Actually, it will be an insane pig. Oregon schools have been directed, under this statute, to use the same approach over and over for close to a decade and yet the rate at which Oregon students are being bullied shows no evidence of declining--actually there are concerns the rate is increasing.

As you ought to be well aware at this time, I am a “data grinch.” Unfortunately, it is hard to deal with Oregon’s data on bullying or harassment. The bullying question on the Oregon Healthy Teen survey changed in 2015, so it is not possible to effectively track trends. The harassment questions on the Student Wellness Survey have remained consistent. However, neither question asks if the student had experienced bullying based on disability--and many students with disabilities are bullied. So Oregon’s data is inherently inaccurate.

However, these are the comparison questions I think are highly relevant:

2010



2018

	Grade 6 State %	Grade 8 State %	Grade 11 State %
Did not go to school one or more times in the past 30 days because you felt unsafe at school or on your way to or from school	12.3	10.5	12.9

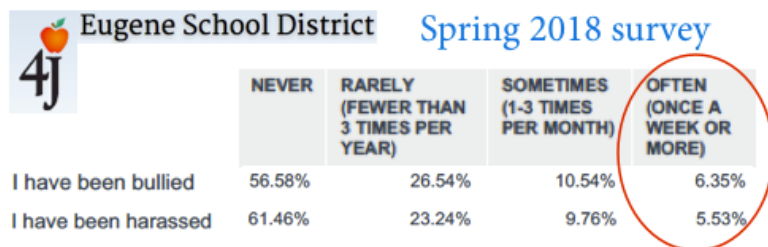
If a concern is chronic absences, perhaps some attention should be paid to the above data.

	Grade 6 State	Grade 8 State	Grade 11 State
Your race or ethnic origin	7.5	14.4	11.4
Unwanted sexual comments or attention	10.6	21.7	18.0
Someone thought you were gay, lesbian, bisexual or transgender	20.4	14.6	8.0
Your weight, clothes, acne or other physical characteristic	19.9	27.2	16.9
Your group of friends	13.6	22.5	15.1
Harassment for other reasons.	30.2	31.5	21.4
Any harassment in the past 30 days	45.4	52.5	40.4

	Grade 6 State %	Grade 8 State %	Grade 11 State %
Your race or ethnic origin	10.8	13.8	10.5
Someone said you were gay, lesbian, bisexual or transgender	15.5	14.2	7.0
Your friends	22.0	22.1	14.0
Your weight, clothes, acne or other physical characteristics	28.7	31.2	19.3
Unwanted sexual comments or attention	7.9	12.6	11.3
E-mail, social media, chat rooms, IM, web sites, texting or phone	22.8	23.5	15.6
For other reasons.	14.7	17.5	12.8
Any harassment in the past 30 days	49.1	50.0	37.2

The bottom line is that for as long as you think you are effectively insisting that Oregon’s school leaders reduce and respond effectively to the bullying or harassment of students under the statutory approach set forth in ORS 339.351 to 339.364, you are putting lipstick on an insane pig. Further, the amendment approaches set forth in HB 3023, as well as HB 2342 and HB 3050, will not accomplish any positive change.

Here is some more helpful data. This is data from the Eugene 4J survey from 2018. 4J has been conducting this survey since 2009. (Note: The rates rates on surveys always differ based on how the questions are asked.) 4J asked about both bullying and harassment based on protected class. The rate at which students report being bullied has not declined since 2009. As you can see, the rate at which 4J students report being bullied generally is just slightly higher than the state average. It is highly likely that the rate at which students throughout Oregon would report being bullied or harassed would be roughly equivalent to that of 4J.



**8.8% of 4J secondary students reported being bullied or harassed or both once a week or more!**

**Student Wellness Survey**

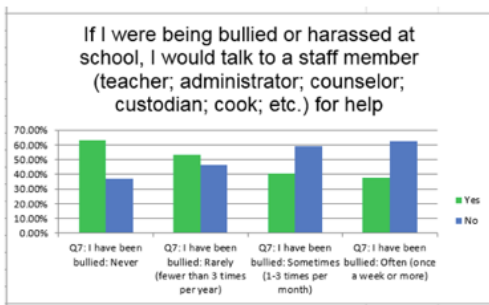
4J	Any harassment in the past 30 days	49.5	54.9	40.5
State	Any harassment in the past 30 days	49.1	50.0	37.2

It is important to pay close attention to the students who are being bullied or harassed once a week or more because these are the students who are suffering profound harm. Such persistent bullying or harassment is a form of trauma--toxic stress. Students experiencing bullying or harassment at this rate will be hyper-vigilant, unable to concentrate or learn, more likely to engage in school avoidance, and more likely to trigger--which would create a substantial disruption in the school. A recent commentary in *Pediatrics*, outlined the harms associated with being bullying:

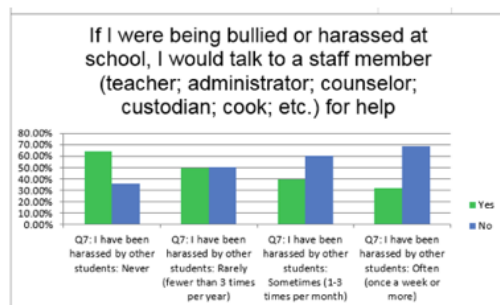
Bullying can have life-long health consequences. It has been associated with stress-related physical and mental health symptoms, including depression, anxiety, post traumatic stress, and suicidal ideation. When bullying is motivated by discrimination or an attack on someone's core identity (eg, their sexual orientation), it can have especially harmful health consequences. The effects of bullying are not limited to the bullied. Bystanders who witness bullying may experience mental health consequences (eg, distress) as well. Schuster MA, & Bogart LM. (2013) Did the ugly duckling have PTSD? Bullying, its effects, and the role of pediatricians. *Pediatrics*. 2013 Jan;131(1):e288-91.

It is highly unlikely that the students who reported on the 4J survey were experiencing bullying or harassment that would meet the statutory definition in ORS 339.351. It is highly unlikely that principals would impose the consequences under ORS 339.356(2)(j) on the students causing this harm because their hurtful acts are persistent--not the serious incidents/substantial disruption acts that are envisioned in Oregon's statute or support a suspension.

It is also highly unlikely that the reporting approach established under ORS 339.356(2)(f) is going to be effective. Here, from 4J's survey is why:



63% of students being bullied once a week or more would not ask for help from staff!



68% of students being harassed once a week or more would not ask for help from staff!!

I have provided you with an extensive document outlining why Oregon's bullying statute is not working and how it could be amended following federal civil rights regulations. I remain ready, willing, and able to provide assistance in the event you would welcome guidance on how to change Oregon's statute so that there is a higher potential for positive change.

In the meantime, I respectfully ask that the Oregon state legislature not suggest to the students who are experiencing profound harm and their concerned parents that Oregon's bullying prevention statute is providing the basis for an effective school response to bullying or harassment.