

To: House Education Committee

From: Nancy Willard, M.S., J.D. Embrace Civility. Website: <http://embracecivility.org>. Email: nwillard@embracecivility.org. Cell: 541-556-1145

Re: House Bill 2631. Prescribes notification requirements for school district upon receipt of report of act of harassment, intimidation, bullying or cyberbullying.

Date: February 12, 2021

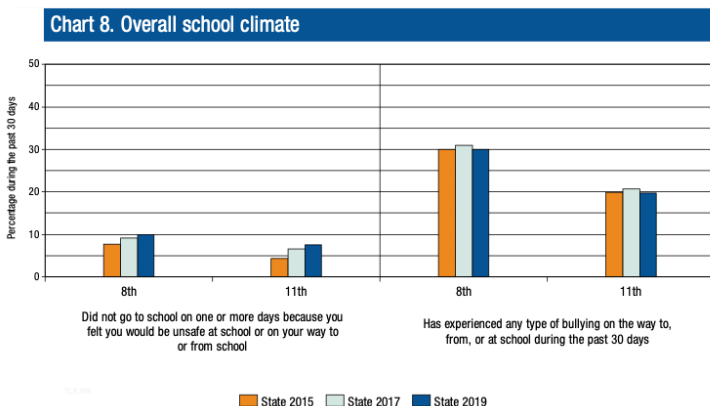
Chair Rep. Leon and members of the committee,

I am pleased you are paying attention to the concern of harassment, intimidation, bullying or cyberbullying in Oregon schools. These concerns are very likely going to amplify as students return to school. Several factors appear likely to present significant new concerns:

- The social unrest our society has been going through, which includes unrest related to race and social inequities. This is likely to increase the level of biased based harassment in our schools.
- Many students who when in school were experiencing harassment, intimidation, bullying or cyberbullying have been experiencing no or limited harassment, intimidation, bullying or cyberbullying while participating in remote instruction. When these students return to school, if the harassment, intimidation, bullying or cyberbullying returns and possibly increases, this is highly likely to cause significantly increased emotional distress.

Better notice to parents, as is set forth in House Bill 2631 would help. However, it is my opinion that this is not sufficient.

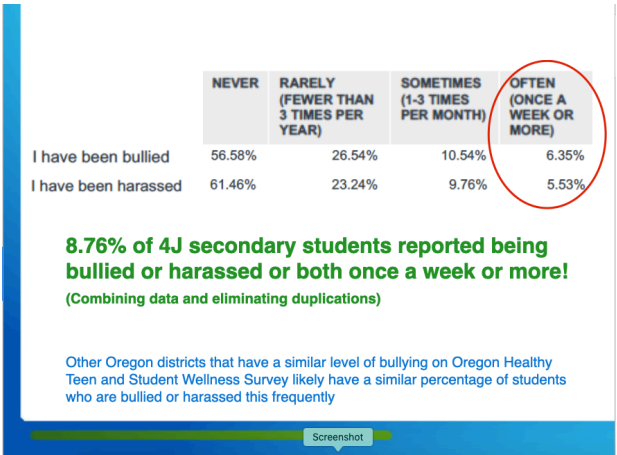
Oregon schools have not achieve any success in reducing bullying. Note the following data from the 2019 Oregon Healthy Teen survey:



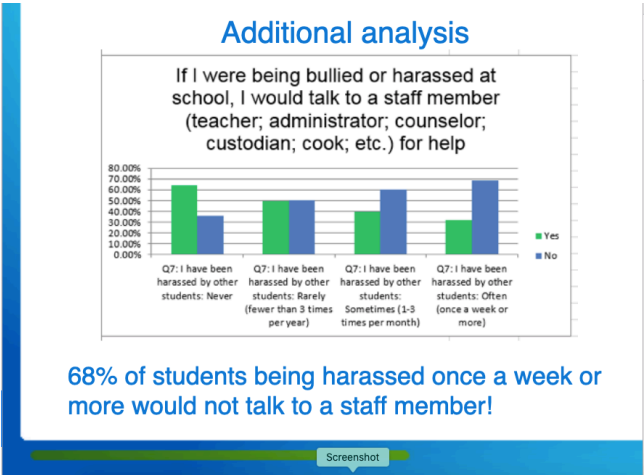
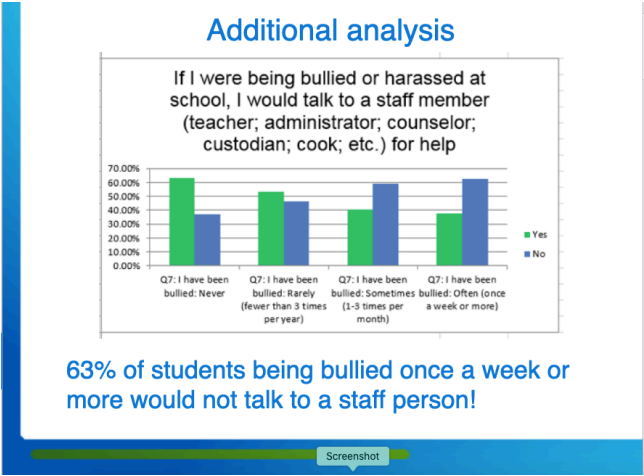
In fact, if you look at the data on the Student Wellness Survey, the rate at which Oregon students report being bullied has not declined since the survey question was asked — for at least a decade.

Further important insight can be found on a survey that has been conducted by the Eugene 4J school district. On the Oregon Healthy Teen survey, the results of 4J are similar to the state average. It can be assumed therefore that results similar to what was found in Eugene 4J would also be found in many districts.

On this survey, Eugene 4J asked both about “bullying” (hurtful behavior) and “harassment” (based on protected class). They also helpfully asked about frequency. I requested additional analysis of this data. (This demonstration is from a slideshow I created.)



The district reported that only 56% of all students said they would talk with a school staff person. I requested further data based on how likely students who were mistreated were to ask for help. This is what the data showed:



The only conclusion that can be drawn from the OHT data, with increased insight from the Eugene 4J data, is that ORS 339.351 and 339.356 are currently ineffective in their efforts to either reduce or ensure an effective response to harassment, intimidation or bullying or cyberbullying.

Some of the efforts that are being implemented under the Oregon Student Success Act will hopefully result in more welcoming school environments and a reduction in such hurtful behavior. However, there are some changes that go beyond the amendments currently proposed in House Bill 2631 that could increase the effectiveness of ORS 339.351 and 339.356.

Concern 1

ORS 339.351 and 339.356 result in policies that are incorporated into the school's disciplinary code. When principals are interpreting these policies in the context of an alleged violation, they most often look to see if the actions of a student constituted a substantial disruption.

Note specifically the data from Eugene 4J. Those 8.76% of students who reported being treated badly once a week or more were very likely not experiencing hurtful treatment that constituted a substantial disruption. They were most likely experiencing a series of hurtful acts that in and of themselves were not that significant, but together were creating a hostile educational environment, including interfering with their psychological well-being (ORS 339.351(2)(c)(C)).

The remedy for this is quite simple. Throughout ORS 339.351 and 339.356 amend the statute to read "any act **or acts**." This will make it clear to principals that they are required to respond to all situation where a significant act or a series of acts are resulting in the effects outlined in ORS 339.351(2)(c).

Concern 2.

In any school environment where students are being treated badly in the frequency that is reflected in the Oregon Healthy Teen survey, with expanded insight from the Eugene 4J data, the environment itself is part of the problem.

There are many aspect of the environment that could be contributing to this. School staff may also be engaging in micro aggressions against certain students. BIPOC students and their families may not be fully welcomed in the school. There may be school community attitudes that do not support students who have a minority sexual orientation or identity. Students with disabilities may not be fully engaged in school activities. Schools that operate in a highly authoritarian manner have more bullying. The school's athletic programs may be encouraging attitudes of disparagement against non-athletes.

Without identifying aspects of the school environment that may be supporting the hurtful behavior of certain students it will not be possible to stop the ongoing harmful acts of students.

I recommend the following amendment:

(g) A procedure that is uniform throughout the school district for prompt investigation of a report of an act **or acts** of harassment, intimidation or bullying or an act of cyberbullying, **including an investigation of any aspects of the school environment that may be supporting such act or acts**. A procedure established under this paragraph shall identify by job title the school officials responsible for investigating such a report.

Then, add a new section within this series of provisions:

(?) A statement of how the school will correct aspects of the school environment that have been identified as supporting such act or acts.

Concern 3.

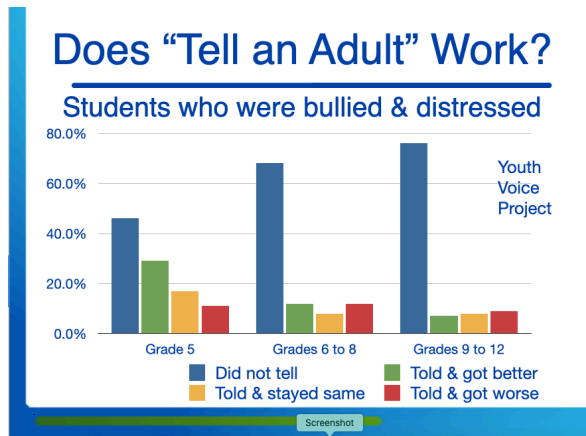
The harm to the student who has experienced harassment, intimidation or bullying or cyberbullying can be quite significant. Simply imposing a consequence or remedial action upon the student who was hurtful is not sufficient to remedy the harm to the student who was the target of such hurtful acts.

I recommend an additional new statement to this series of provisions:

(?) A statement of how the school will remedy the academic or psychological harm to the student who has experienced such act or acts of harassment, intimidation or bullying or an act of cyberbullying.

Concern 4.

As should be apparent based on the data, the manner in which schools are responding to reports does not appear to be resulting in any significant level of trust in students that the response by the school will be effective. There is helpful data on this from a research study called the Youth Voice Project.



As you can see, the "did not tell" data is roughly equivalent to the level reported in Eugene 4J. Of great concern is the lack of effectiveness of the school response when students did report. If there is a one in three chance that reporting is going to result in making things better, many students simply are not going to report.

I recommend an additional new statement to this series of provisions:

(?) Following all confirmed reports of an act or acts of harassment, intimidation or bullying or an act of cyberbullying and intervention, the school will conduct a follow-up investigation of both the persons who experienced and committed an act or acts of harassment, intimidation or bullying or an act of cyberbullying to ensure that the situation has been effectively resolved.