

September 26, 2022

Vermont Agency of Education  
Secretary Daniel M. French  
1 National Life Drive, Davis 5  
Montpelier, VT 05620-2501

Secretary French:

The Harassment, Hazing, and Bullying Prevention Advisory Council was established in 2012 to review and coordinate school and statewide activities relating to the prevention of and response to harassment, hazing, and bullying. In its ten years of operation, the Council has done little to mitigate bullying, hazing and harassment in schools. It has provided no formal advice to the Secretary of the Agency of Education on how to address bullying, hazing and harassment and to ensure that the adopted HHB policies are faithfully followed by the administrators, teachers, caregivers, and students. In failing to meet its legislative intent, the HHB Advisory Council has maintained a system that is better at protecting schools from lawsuits than it is at protecting students from harassment, hazing, and bullying.

We, the undersigned members of the Council, need your help to do better.

### **Problems**

Members of the HHB have widely competing interests and concerted efforts to change processes has been met with extensive discussion but no action. In turn, the low number of membership and attendance at HHB meetings reflect the lack of inaction of this Advisory Panel.

Additionally, there are a number of problems with the current HHB system and processes.

First, we don't have adequate data. The last data publicly available about HHB incidents and resulting actions taken is for the 2017 school year. That was five years ago. The 2018-2021 data that AOE shared with this council is truncated; it doesn't indicate the school from which the complaint came, it doesn't reflect what actions were taken, and it doesn't indicate whether the school substantiated the complaint. The older data doesn't categorize incidents by type (harassment based on gender, race, etc) at all. This lack of useful data runs contrary to 16 V.S.A. § 164, which requires an annual report of all the HHB incidents presented by school, response taken, and type of incident.

And the data we *do* have is severely lacking. Though schools report incidents of HHB to AOE and AOE collates that information, we know it is not capturing what's really going on in schools.

Nationally, about 20% of students age 12-18 report being bullied.<sup>1</sup> Vermont's data shows only 0.5-1% of students reported incidents.

Above is the data reflecting all reported instances of harassment, hazing, and bullying from 2018 through 2021. Each of those years, Vermont schools educated about 80,000 students. We don't believe that Vermont students experience such a low level of HHB; we know that the data do not tell the whole story. The stories shared with advocates and agencies have increased or at minimum, remained steady. At every stage in the process, HHB is underreported: students may not tell caregivers or teachers and teachers who observe harassment may not report to administrators without a student coming forward. Administrators fail to investigate or to investigate fully and miss a history between target student and perpetrator student.

Second, students and caregivers are not using the resources available to them. We can see that nearly all supervisory unions have compiled a resource list, but there is limited or no evidence that schools have engaged in a strategic outreach plan to reach students and families.

Third, we see that schools are not accountable to anyone for their implementation of the policies and procedures. Schools have no external accountability mechanisms to ensure that they are consistently and reliably following the policies and procedures. At present, there are no consequences outside of a formal complaint filed at a state or federal enforcement entity or in court to ensure schools follow their own adopted policies and procedures.

Fourth, we know that much of the harassment or bullying that happens to Vermont students today occurs using technology. Social media, cell phones, and pandemic-induced isolation have created a perfect storm for online spaces used to harass and bully students. Our policies and procedures don't account for this form of social interaction and fail to provide guidance to teachers and administrators on what to do when faced with online harassment.

Fifth, students who are the targets of harassment cannot prove it because of an incredibly high legal bar. They must show that the harassment is severe or pervasive and is the result of their membership in a protected class. School districts use the same legal standard to commence and substantiate harassment. School districts fail to look at the totality of circumstances, fail to notice subtle cues, fail to look beyond a specific incident to a history between students, fail to take seriously allegations of bullying that could lead to harassment. As a result, schools fail to substantiate harassment and then create a greater barrier for students to report.

---

<sup>1</sup> <https://www.stopbullying.gov/resources/facts>

## Solutions

We owe our students better. It is state policy that “harassment, hazing, and bullying have no place and will not be tolerated in Vermont schools.” We must make that policy real. As the Advisory Panel, we advise the Secretary of the Agency of Education to provide the resources and support we need to truly mitigate and eradicate harassment, hazing, and bullying in our schools.

Members of the Advisory Council provide the following and seek the Secretary’s written response to each:

### **1. AOE must hire at least one dedicated HHB staff person.**

An HHB staff will be able to implement the needed changes more effectively than this Council can. They can be an ongoing resource for students, caregivers, teachers, and administrators who can provide technical assistance and support. The HHB staff shall operate with the upmost respect for neutrality and impartiality and refrain from favoring school districts and working too closely with their legal representatives.

**a. Know Your Rights campaign.** It is time for a state-led, full-blown bullying and harassment campaign. We need a staff person to develop multilingual and easy-to-read materials for caregivers and students, and to include social media videos and information. We want to train students and caregivers so they 1) know their rights and 2) know what to do if they’ve been violated. A two-way training where a staff person teaches students and caregivers about HHB rights and where students can share their experiences offers mutual benefits. Students have a right to feel safe at school and knowing where to turn when something goes awry is essential to that security. Educating students and caregivers also creates a better external pressure system on schools to respond appropriately to HHB.

**b. Develop better data reporting.** We also want a staff person to develop real-time data reporting systems and train school staff on how to use them.

**c. Teacher training on HHB.** HHB trainings must become part of schools’ continuous improvement plans. Educators are not trained to be investigators, but they are the people best able to identify and support students facing harassment, hazing, and bullying. A dedicated HHB staff person within AOE will help alleviate some of the extra work that has been put on schools without the resources to back it up.

### **2. AOE must train a new cadre of independent investigators.**

Not only must the AOE provide independent investigators, but it must also set forth a guideline for schools who utilize investigators that are not independent and impartial. Students must be able to rely on their schools to conduct a fair and impartial investigation. Guidelines should recommend schools NOT use administrators or a school’s legal representative to conduct investigations.. Caregivers and students don’t trust the independent investigators who are supposed to review the sufficiency of a school’s response to an incident of HHB when those investigators also represent schools’ interests This is another mechanism which will hold schools more accountable.

**3. AOE shall provide an independent review for bullying.**

Students who belong in marginalized and underrepresented communities often face harassment but are unable to show that their peers targeted them because of their membership in a protected class. Currently, students who face bullying have no external independent resource to review their school's actions. Because bullying can often overlap with harassment, it is reasonable that the AOE provide an independent review for bullying as well.

**4. AOE shall make recommendations to the Governor or Legislature on legislation that will create a safer school environment.**

Because school districts use legal standards to guide their response to HHB investigations, the AOE shall support legislative efforts to change those legal standards in the interest of supporting students and creating safer environments without regards to legal liability for schools.

We look forward to working with you to better protect Vermont students.

Signed,

The Harassment, Hazing, and Bullying Advisory Council