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Thank you Chairman Brenner, Vice-Chair Slaby and Ranking Member Fedor, and House Education and Career Readiness Committee members.

My name is Gabriella Celeste and I submit this testimony to you as an interested party in legislative matters concerning school discipline and student supports, specifically HB 360. As the Director of Policy with the Schubert Center for Child Studies at Case Western Reserve University and Co-Director of our Childhood Studies Program, our Center bridges research with policy, practice and education for the well-being of children and families. It is in this capacity that we support efforts to increase student supports that foster a positive school climate and culture of learning and to reduce the use of exclusionary school discipline practices such as those proposed in HB 360.

We of course all agree that bullying is harmful and should not occur.

It is harmful to the child being bullied, to the child engaged in the bullying and to those bystander children who witness this behavior. It is also distressing when adults in the school setting fail to adequately address bullying behavior, even more so when the student and/or family explicitly seeks assistance from the school.

The question is what *legislative policy* versus, for example, Ohio Department of Education (DOE) or local school board, or even specific school policy, can or should do to effectively address the problem of bullying?

To be clear, Ohio policymakers, both the Ohio Legislature, through prior passage of anti-harassment, intimidation and bullying (Anti-HIB) laws (ORC 3313.666), including electronic bullying, as well as the DOE, through adoption of an anti-HIB Model Policy[1] for school districts, teachers, staff, students and parents to address bullying, have already put some important protections and guidance in place. Nevertheless, bullying still occurs and understandably, there is a desire to do something to deter it. HB 360, however well-intended, goes too far in some instances and falls short in others.

First, it is important to be clear about what the data says about bullying in schools.

Incidents of bullying in Ohio middle and high schools are <u>not</u> on the rise, and in some instances, student self-reports of bullying have been decreasing for several years. Consider this data from the Youth Risk Behavior Survey (YRBS), which is part of the effort led by the U.S. Centers for Disease Control and Prevention and is considered by the Ohio Department of Health to be "the largest public health surveillance system in the U.S. and the only reliable source of health behavior data for the teen population in Ohio."[2] YRBS data both nationally and in Ohio indicate that on average about 1 in 5 children report being bullied at school (20.8% in Ohio and 20% in the U.S.). While this number is

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[1] Ohio Department of Education, "Guidance for Implementing Ohio's Anti-HIB Model Policy". Retrieved at: https://education.ohio.gov/getattachment/Topics/Other-Resources/School-Safety/Safe-and-Supportive-Learning/Anti-Harassment-Intimidation-and-Bullying-Resource/Anti-Bullying-Resources-for-Parents/GUIDANCE_AntiBullying.pdf.aspx
[2] Ohio Department of Health, Ohio Youth Risk Behavior Survey. Retrieved at: https://www.odh.ohio.gov/odhprograms/chss/ad_hlth/youthrsk/youthrsk1.aspx

concerning, it has remained fairly steady for the last five years of data (2009-2015)[3], and actually has been decreasing in Ohio since 2011 when it was 22.7% statewide.[4]

In Cuyahoga County, where our Center is located, the percentage of students who report being bullied on school property is below the national average and decreasing: down from 19.4% in 2013 to 17.4% in 2017 for high school students[5] and down from 34.15% in 2008 to 25% in 2016 for middle schoolers. The prevalence of electronic bullying among middle schoolers has been steady since 2010 at about 21%; for high schoolers, electronic bullying has been decreasing in the last few years, from 18.9% in 2011 to 14.7% in 2017. While not minimizing the harm that does occur with bullying, this data suggests that, on the whole, some of the bullying prevention efforts may be having a positive impact. There are however important limits on the prevalence data. For example, there is little information about the perpetrators of bullying and nothing about bystanders who witness bullying.

So, what do we know about bullying and the best way to approach it?

The National Academies of Sciences, Engineering and Medicine appointed a committee of experts who undertook a comprehensive study of the literature to better understand the nature of bullying in order to reduce the behavior and its impacts. Dr. Daniel Flannery, Director of the Begun Center for Violence Prevention Research and Education at CWRU and one of our Schubert Center Faculty Associates, was appointed to this committee, which issued a comprehensive report in 2016.[6] Report highlights include:

1. **Consequences of Bullying:** Individuals who are both perpetrators and targets of bullying appear to be a greatest risk for poor psychological and social outcomes. Youths who are involved in bullying either as perpetrators or targets are statistically more likely to contemplate or attempt suicide, compared to children not involved in bullying; however, there is not enough evidence to date to conclude that bullying is a causal factor, or the main causal factor, in youth suicides. In addition, the data is not clear on the role of bullying as a precipitating cause of school shootings.

2. **Preventing and Responding to Bullying:** Universal prevention programs alone are not enough to address bullying. Rather, "multicomponent schoolwide programs, which combine elements of these universal programs along with more targeted interventions for youths at risk of bullying or being bullied – for example, teaching more intensive social-emotional skills or de-escalation approaches – appear to be most effective at reducing bullying."

3. **Ineffective Approaches to Bullying:** Emerging research indicates that some widely-used approaches such as zero-tolerance policies are not effective at reducing bullying. Moreover, these policies may lead to underreporting of bullying incidents because of the consequence imposed – typically suspension or expulsion – is perceived as too harsh or punitive, as well as being counterproductive and harmful to the students involved. The Committee recommended that zero-tolerance policies be discontinued, with resources directed to evidence-based policies and programs.

The consensus among education, developmental and behavioral health experts is that effective bullying prevention requires a comprehensive approach that couples a schoolwide promotion of a positive school climate and culture with individualized responses to bullying that incorporate identifying the underlying

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[3] U.S. Centers for Disease Control and Prevention, Trends in the Prevalence of Behaviors the Contribute to Violence, National YRBS 1991-2015. Retrieved at: https://www.cdc.gov/healthyyouth/data/yrbs/pdf/trends/2015_us_violence_trend_yrbs.pdf
[4] Ohio Department of Health, 2013 Ohio Youth Risk Behavior Survey, Injury and Violence. Retrieved at: https://www.odh.ohio.gov/-/media/ODH/ASSETS/Files/chss/adolescent-health/2013-Injury-and-Violence.pdf?la=en
[5] Prevention Research Center for Healthy Neighborhoods Case Western Reserve University, 2017 Cuyahoga County YRBS: Violence, Cuyahoga County Trend Data, Chart p. 10. Retrieved at: http://filecabinet.eschoolview.com/C40D9087-4DD3-4B32-B127-09EE6162B0E7/YRBS%20Data%202017/Violence_171009.pdf
[6] National Academy of Sciences, Board on Children, Youth and Families. Report in Brief: Preventing Bullying Through Science, Policy, and Practice (May 2016). Retrieved at: http://sites.nationalacademies.org/cs/groups/dbassesite/documents/webpage/dbasse_172341.pdf

and contributing causes to the bullying behavior in order to develop targeted strategies to reduce or eliminate bullying. Notifying and engaging parents is an important aspect of developing such individualized approaches. Training for teachers and staff is also an essential part of a comprehensive prevention strategy. Research suggests that "when teachers and staff are aware of their schools' policies and are trained in how to effectively identify as well as address bullying incidents, victimization rates are substantially lower."[7]

Specific Concerns with HB 360 and Recommendations

While HB 360 makes some effort to incorporate some of what research suggests works with bullying behaviors, for example by encouraging reflective learning and support through counseling for both the bullying and the bullied student, it focuses more on imposing sanctions that increasingly exclude students from the school through in-school and out of school suspensions and expulsion. The requirement for the extension of a suspension into a subsequent school year furthers this exclusion without consideration of individual factors. Instead, these decisions should be determined on an individual basis, ideally through a school-based behavioral intervention team.

An individualized assessment and targeted approach, rather than one-size-fits-all sanctions, would better ensure that the interventions used are appropriate for the specific student. For example, while "community service" may be an appropriate response for some students, it may not make sense for others, especially if it has no relationship to the student or his/her behavior, but currently HB 360 rmandates a community service plan in every instance. Similarly, prohibiting extracurricular activities in every instance may actually undermine specific intervention strategies by further isolating students from positive school supports. These should be case-by-case determinations.

Another area of concern is the expansion of the "victim" of student bullying to include any adults in the school setting, including employees, consultants and volunteers. This is a significant and potentially problematic extension of the Anti-HIB policy. At minimum this approach requires further study to better understand the implications of this expansive reach, particularly as it is contrary to the common definition of bullying in the school context. According to the U.S. Department of Health and Human Services: "Bullying is unwanted, aggressive behavior **among school aged children that involves a real or perceived power imbalance**. The behavior is repeated, or has the potential to be repeated, over time."[8] It remains an area of genuine question whether a child can – or should be deemed able to – "bully" an adult, especially given the power imbalance that exists between adults and children. Moreover, challenging adult authority is normative developmentally for adolescents and as such the line between perceived bullying and other forms of adolescent behavior can be less clear. Additionally, other discipline measures already exist to address inappropriate or disruptive student behavior.

Finally, nothing in HB 360 addresses one of the biggest concerns we have heard from students and families about bullying: some school's failure to address the bullying and safeguard the bullied child. For all these reasons, we have offered to work with Representative Greenspan and his colleagues on revising the language of HB 360 to better reflect a developmentally appropriate response to bullying. We also urge the creation of a time-limited workgroup of stakeholders including legislative members, social scientists and practitioners with child development and education expertise, family advocates and others to collaboratively review bullying research, surveillance data on the scope of the issue in Ohio and anti-bullying best practices to inform a set of recommendations for a bullying policy.

Thank you for your consideration.

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[7] Ansary, N. et al. Guidance for Schools Selecting Antibullying Approaches: Translating Evidence-Based Strategies to Contemporary Implementation Realities. Educational Researcher (2015). Retrieved at: http://www.njbullying.org/documents/GreenwAnsaryEliasGreenearticleBullying2015.pdf

[8] USDHHS, "What is Bullying". Retrieved at: https://www.stopbullying.gov/what-is-bullying/index.html