

## **Pennsylvania State Conference NAACP Branches**

### **Education Committee**

#### **Testimony before the House Education Committee of the Pennsylvania General Assembly: Hearings Concerning HB 2464**

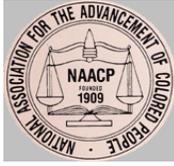
October 10, 2012

Chairman Clymer, Members of the House Education Committee,

The Education Committee of the Pennsylvania State Conference of Branches of the National Association for the Advancement of Colored People (PA NAACP) appreciates this opportunity to share testimony concerning House Bill 2464 related to bullying and Department of Education requirements and responsibilities.

The NAACP has a particular concern about any school legislation that results in disciplinary action. National statistics published by the United States Department of Education support the understanding that children of color universally experience the most frequent and extreme discipline dispatched by school authorities. As concluded in the Losen and Skibar report, available at ([http://civilrightsproject.ucla.edu/research/k-12-education/school-discipline/suspended-education-urban-middle-schools-in-crisis/Suspended-Education\\_FINAL-2.pdf](http://civilrightsproject.ucla.edu/research/k-12-education/school-discipline/suspended-education-urban-middle-schools-in-crisis/Suspended-Education_FINAL-2.pdf)). October 2012.)

The high and disproportionate suspension rates being experienced by youth of color in most of these urban districts means that minority students are being removed from the opportunity to learn at a much higher rate than their peers. Because the OCR survey does not measure the overall number of suspensions, but rather the number of students suspended at least once, these data likely *underestimate* the frequency of the use of suspension and the amount of instructional time these students lose. Given the importance of the instructional time in predicting achievement outcomes (Greenwood, Horton, & Utley, 2002; Wang, Haertel, & Walberg, 1997), one might argue that concerns about high suspension rates should be treated with the same level of concern often expressed for low test scores, poor attendance, and high dropout rates.



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PA NAACP supports the notion that disciplinary consequences in local school codes provide prevention, intervention and education programs. **We strongly recommend that the term “may” be replaced by the term “shall”.**

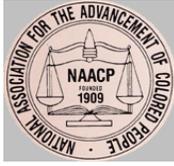
This suggestion is driven by the severe and lifelong suffering that can result from bullying experienced in the school setting, and undergirded by the therapeutic stance that young people who abuse others are acting out the abuse they have suffered. Based on understandings gained from the work of Philadelphia’s Dr. Sandra Bloom and Dr. Theodore Corbin among others at the *Center for the Prevention of Violence* housed at Drexel University; and on information from the national Center for Disease Control; members of the PA NAACP Education Committee are more and more convinced that traumatic life experience may well be driving the behavior of young perpetrators of harassment, intimidation, bullying and cyberbullying. To quote Dr. Corbin, “Exposure to violence and victimization are strongly associated with later acts of violence by victims.”

Put clearly, according to the experts, young people who are traumatized reenact their wounding experiences. They perpetrate them against others. Hence, PA NAACP holds that to stop bullying behaviors, the abuser must be healed. It is from this perspective that we come today to share our perspectives on HB 2464.

As well, PA NAACP finds the tenor of HB 2464 to align with current efforts by the United States Department of Justice and the United States Department of Education concerning the Supportive School Discipline Initiative as announced in July of 2012.

That announcement in part states:

The goals of the Supportive School Discipline Initiative are to: build consensus for action among federal, state and local education and justice stakeholders; collaborate on research and data collection that may be needed to inform this work, such as evaluations of alternative disciplinary policies and interventions; develop guidance to ensure that



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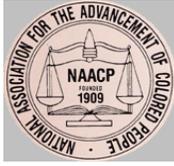
school discipline policies and practices comply with the nation's civil rights laws and to promote positive disciplinary options to both keep kids in school and improve the climate for learning; and promote awareness and knowledge about evidence-based and promising policies and practices among state judicial and education leadership. Available on-line at: <http://www.justice.gov/opa/pr/2011/July/11-ag-951.html> .

PA NAACP recommends that language at Section 1303 – 1 – A which mandates the makeup of the committee to create or revise school policy on bullying be strengthened to require:

- 1. that parent participation, school staff participation, and community representation must reflect the ethnic makeup of the students being educated by the district,**
- 2. that school staff assigned to the committee must include counselors and school psychologists,**
- 3. that community representatives include local mental health agencies, and that**
- 4. a family court judge and or a juvenile court judge replace local law enforcement.**

We understand that a significant number of school districts have made significant cuts backs in the number of school counselor, however we hold that the state legislature must provide resources for such staff as is necessary to carry out legislation with the lifelong impact of HB 2464.

Furthermore, we hold that the requested considerations above align HB 2464 with the position of the Center for Disease control that youth violence is a public health crisis. It aligns the legislation with the position of the PA NAACP in its call for a trauma informed education system in Pennsylvania as described in House Resolution 659.



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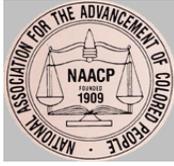
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PA NAACP proposes that Section 1303 – 1- A (v) would be greatly improved if it were adjusted in terms of developmental appropriateness. Given that this legislation is focused on the behaviors of youth, its statutes and consequences would do well to be informed by how young people develop, how they learn, and how they process information and internalize expectations. Because the policies carry penalties, some of which involve criminalizing children; we suggest the following youth supportive changes:

- 1. The policy needs to be distributed in print to each student’s household and in the first language of the parents.**
- 2. There should be a process for documenting that every student’s caregiver has received and read the policy,**
- 3. The policy should be reviewed with students within the first five days of the school year.**
- 4. The policy should be reviewed with the school population specifically and systematically four times per school year,**

PA NAACP suggests that Section 1303 –A 1 (vi) should be more appropriate to school culture and the school setting. Success of the policy, as measured by a reduction/elimination of the incidence of bullying in a **school should be assessed annually**, Waiting over 1,000 days to evaluate the impact of the policy is inadequate given the ingenuity of youth, the constant advancements in technology, and the traumatizing consequences of bullying behaviors.

PA NAACP questions the limitation in section 1303 1 – A (vii) as well as (5) (e) (1) to acts directed specifically against students. The policy will be stronger if there is a universal prohibition concerning the school community as bullying any member of the school population can disrupt the orderly operation of the education setting. As well, the message to perpetrators is inconsistent. The offending behavior should be identified as



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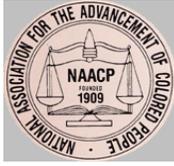
inappropriate, unacceptable and sometimes illegal in any instance. It is commonly accepted in the field of behavioral science that consistency in both expectations and consequences is the bedrock of changing behaviors. PA NAACP suggests that it be clear in the policy that all school students and personnel shall be protected regardless of their status under the law.

PA NAACP holds that all education entities in Pennsylvania have an obligation to protect members of the school community and that all school entities should be required to report all incidents that qualify as harassment, intimidation, bullying and cyberbullying.

Bullying behaviors assault the psyche and the soul of victims, and are commonly known to potentially result in school phobia, in lifelong mental health issues, or in suicide. On this basis, we maintain that no education entity should be exempt from policies to prevent such danger.

PA NAACP suggests that it is developmental appropriate to require that the anonymous reporting process required in 1303 (B) (2) also be designated to be posted publically in classrooms and other common areas of a school, on the school web site, **and in print distributed to all student households**. As well, (B) (2) (ii) pertaining to school employee responsibilities to report should be **reviewed formally with all district employees as well as posted in print in areas of common use by staff members**.

PA NAACP suggests that (B) (2) (iii) school documentation of any prohibited incident be reserved for those incidents that are **substantiated through investigation**. Incident reports require extensive use of human resources as they are time consuming to compose. Recording unsubstantiated materials places an onerous burden on systems all ready swaying under the loss of personnel due to draconian budget cuts.



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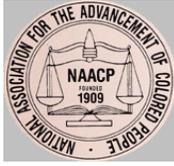
PA NAACP stands with and commends the (B) (3) (iii) requirement for a strategy providing for counseling or referral to appropriate services. This provision aligns with our Agenda for Education in Pennsylvania (2011. available at [www.pastatenaacp.org](http://www.pastatenaacp.org)) with our call for a trauma informed education system as documented by HR 659, and with the Supportive School Discipline Initiative.

PA NAACP requests that (B) (3) (iv), the requirement for provisions for the formation of bullying prevention task forces, programs and other initiatives, be revised to involve:

- **parent participation, school staff participation, and community representation demographically representative of the students being educated by the district,**
- **school counselors and school psychologists,**
- **community representatives that include local mental health agencies, and that**
- **a juvenile justice and/or family court judge instead of local law enforcement**

PA NAACP strongly recommends that the annual training provisions of (B) (4) (i) require annual training for **all** administrators, school employees and volunteers. We interpret “significant contact” to mean, “meaningful and influential” contact. There is no way to predict who a student will trust, be influenced by, or confide in. All adults should be fairly equipped to meet the requirement that they respond to and report incidents of harassment, intimidation, bullying or cyberbullying.

At the same time, we are concerned that because many school districts are adjusting for debilitating budget cuts which have depleted them of personnel, the process for choosing staff members to receive training can be made ineffective by a desperate attempt to meet an unfunded mandate. We foresee building administrators being forced to sort through



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staff based on who can be spared from the building without incurring additional costs such as for substitutes. On the other hand, universal training requirements can be scheduled into a district's professional development calendar. In addition, universal training will align this legislation with current theory on "trauma informed care" ( Hodas. (2012. available at [www.naacpmmediabranch.org](http://www.naacpmmediabranch.org) ; Events).

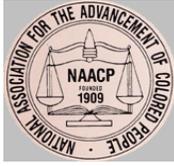
PA NAACP is unclear on provision B) (5) (iii) (e) wherein education entities are allowed to adopt individual definitions of the term "bullying". Our question is: Given the disciplinary implications and the possible legal implications of an infraction how will this ultimately play out in the lives of children living in different districts? As well, punished infractions such as bullying follow students through their school records. How will the student's records be resolved should he or she move from a district with a more stringent definition of the term into a district where their behavior is differently and less severely defined and the consequences are less severe?

PA NAACP would like to see (A) under the definition of "harassment, intimidation, bullying and cyberbullying: to mean ...intended to:

- (A) **physically, emotionally or socially harm a student or school personnel, or damage the property of the victim.**

PA NAACP is unclear concerning how a school district will measure the effectiveness of its overall intervention programs. Will there be an annual review of data to assess for a decrease in the number of bullying incidents? Will there be an annual assessment of the impact of prevention, intervention, and educational strategies and an analysis of the need to adjust for changing technology?

PA NAACP further suggest that some consideration be given to a statement of policy concerning the school's response to outside forces that use electronic communications to



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harassment, intimidation, bully and cyberbully children by race/ethnicity. We have had to deal with hate groups posting web sites that intimidate and demean children of color.

We thank the House Education Committee for hearing our reflections on HB 2464 and hope that our observations might add substance to this legislative proposal. We look forward to the success of the efforts to eliminate or decrease the incidents of bullying in our schools and to the healing of the children who perpetrate such acts.

Respectfully submitted,

Joan Duvall-Flynn, Ed.D.  
Chair: Education Committee  
Pennsylvania State Conference of NAACP Branches