November 16, 2007

The Honorable Edward M. Kennedy
Chairman, Committee on Health,
Education, Labor and Pensions
United States Senate
428 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Michael B. Enzi
Ranking Member, Committee on Health,
Education, Labor and Pensions
United States Senate
428 Dirksen Senate Office Building
Washington, DC 20510

Dear Senator Kennedy and Ranking Member Enzi:

Thank you for the opportunity to submit comments regarding the importance of preventing bullying and harassment in the nation’s schools. We value the opportunity to provide input to the Senate Committee on Health, Education, Labor and Pensions’ Discussion Draft of legislation to reauthorize the Elementary and Secondary Education Act (ESEA). As national education, health care, civil rights, law enforcement, youth development, and other organizations – all members of the National Safe Schools Partnership – we applaud the Committee’s inclusion of language to ensure school safety and create school environments where all students can achieve high standards.

We believe that all students are entitled to an education free from bullying and harassment and want to thank you for recognizing and beginning to address this widespread problem through reauthorization of ESEA. Meeting the ambitious proficiency goals set forth by the No Child Left Behind Act, and ensuring the academic success of all students, will only be possible when every child feels safe in the classroom. Evidence demonstrates that bullying and harassment significantly impact academic performance, school attendance, dropout rates and a student’s likelihood of obtaining a post-secondary education. The U.S. Department of Education has concluded that bullying and harassment “affects nearly one in every three American schoolchildren in grades six through ten.” And we know that bullying and harassment can lead to even greater school safety problems. Many high profile cases of school violence – as well as incidents that are less noted – have been attributed to students who were bullied and harassed in school. This research was published by members of the National Safe Schools Partnership in June in a policy paper titled, “Bridging the Gap in Federal Law: Promoting Safe Schools and Improved Student Achievement By Preventing Bullying and Harassment in Our Schools.” (A copy of the document is attached for your review.)

Given this evidence, we strongly support your decision to use the reauthorization process as an opportunity to strengthen state and local efforts to prevent bullying and harassment through the Safe and Drug Free Schools and Communities Act (SDFSCA). Leveraging the existing SDFSCA structure, as well as the fact that all public schools already have student conduct codes, provides an opportunity for Congress to act in a way that will have demonstrable high impact toward our shared educational aims, while doing so in a way that will have a minimal burden at the state and local level. Indeed, although a limited number of federal laws address certain particular kinds of harassment, they do not prohibit all kinds of harassment in schools, and no federal law specifically prohibits bullying in schools. Therefore, your work will fill a troubling gap in federal education policy – to ensure that all students, regardless of their background or characteristics, are provided a safe environment in which to learn.

Regarding specific provisions, we agree with your proposal to encourage states to include a bullying and harassment analysis in mandatory school safety needs assessments; but would ask that this analysis also be mandatory. We also share your desire to require better public
reporting of bullying and harassment incidents and enhanced coordination among relevant state agencies. We agree with you that school districts should establish bullying and harassment prevention programs, and appreciate your decision to provide support for the related professional development needed to make these programs work effectively. We also support your decision to require annual communications to parents, including describing a local education authority’s (LEA) processes and procedures for addressing bullying and harassment grievances.

We applaud your crucial decision to define “bullying” and “harassment” in the Discussion Draft, and to enumerate categories of students to be protected from bullying and harassment. This definition will protect highly vulnerable students while allowing local judgments regarding additional bases of enumeration, based on local patterns of behavior or concerns. A recent study concluded that students who attend schools with anti-harassment policies that enumerate categories of students for protection report that they feel safer (54% vs. 36%) and are less likely to skip a class because they feel uncomfortable or unsafe (5% vs. 16%), compared to students at schools with non-enumerated policies. Correspondingly, specific enumerated policies against bullying and harassment also make it more likely and easier for educators to intervene when they witness bullying and harassment. More than half of all teachers (53%) reported that bullying and harassment of students is a serious problem in their school. Students noted that teachers were more likely to intervene (25.3% vs. 12.3%) when bullying occurred, and were more likely to do so successfully (55.7% vs. 38.7%), if school policies included enumerated categories (compared to non-enumerated policies).

Thank you again for addressing this important problem. The Committee’s Discussion Draft helps to bridge a critical gap in federal law. We look forward to working with you throughout the reauthorization process and would be pleased to provide any additional information you and your staff may require. To respond to this letter, please contact Art Coleman of Holland and Knight, LLP at (202) 955-3000.

Respectfully,

American Association for Health Education
American Association of School Administrators
American Association of University Women
American Counseling Association
American Library Association
American School Counselor Association
American School Health Association
American-Arab Anti-Discrimination Committee
Big Brothers Big Sisters of America
Center for Inquiry
Communities In Schools, Inc.
Council for Children with Behavioral Disorders
Girls, Inc.
GLSEN – the Gay, Lesbian and Straight Education Network
Human Rights Campaign
The Interfaith Alliance
Leadership and Renewal Outfitters
Learning Disabilities Association of America
National Association for Multicultural Education
National Association for the Education of Homeless Children and Youth
National Association of Elementary School Principals
National Association of School Psychologists
National Association of Secondary School Principals
National Center for Lesbian Rights
National Center for Transgender Equality
National Council of La Raza
National Gay and Lesbian Task Force
National Network for Youth
National Women’s Law Center
Parents, Families and Friends of Lesbians and Gays (PFLAG) National
Sexuality Information and Education Council of the U.S. (SIECUS)
Sikh American Legal Defense and Education Fund (SALDEF)

\(^2\) Harris Interactive and GLSEN (2005). *From Teasing to Torment: School Climate in America, A Survey of Students and Teachers*. New York: GLSEN.
\(^3\) Ibid.