



WASHINGTON BUREAU · NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE
1156 15TH STREET, NW SUITE 915 · WASHINGTON, DC 20005 · P (202) 463-2940 · F (202) 463-2953
E-MAIL: WASHINGTONBUREAU@NAACPNET.ORG · WEB ADDRESS WWW.NAACP.ORG

**STATEMENT OF HILARY O. SHELTON
DIRECTOR, NAACP WASHINGTON BUREAU AND
SENIOR VICE PRESIDENT FOR ADVOCACY AND POLICY
BEFORE THE U.S. COMMISSION ON CIVIL RIGHTS
ON FEDERAL ENFORCEMENT OF CIVIL RIGHTS LAWS TO PROTECT
STUDENTS AGAINST BULLYING, VIOLENCE AND HARASSMENT**

May 13, 2011

Thank you, Chairman Castro and members of the U.S. Commission on Civil Rights for holding this important briefing and for inviting me to participate. The NAACP greatly appreciates the opportunity to voice our thoughts and concerns on this crucial issue.

Founded more than 102 years ago, in 1909, the National Association for the Advancement of Colored People, the NAACP, is our nation's oldest, largest, and most widely-recognized grassroots based civil rights organization. We currently have more than 2,200 membership units across the nation, with members in every one of the 50 states. For over 15 years now, I have been the Director of the NAACP Washington Bureau, our Association's federal legislative and national public policy advocacy arm.

More than 45 years after the enactment of the landmark Civil Rights Act of 1964 and despite a number of groundbreaking laws since then including the Voting Rights Act of 1965 and the Fair Housing Act of 1968, harassment and bullying on the basis of race is still prevalent in our nation today. Members and friends of the NAACP know all too well the insidious taunts and harassing comments of bullies based solely on our race or ethnic background. Bullying and racial harassment ruins individual's lives, decimates families and can break apart whole communities.

It is because of these ongoing problems associated with bullying that the NAACP is so appreciative of this commission looking at all of the approaches being employed by the federal government, including the US Department of Education and the US Department of Justice. Bullying and harassment, base on race, ethnicity, national origin, sex, disability or sexual orientation is so damaging that we need an aggressive, coordinated response.

Furthermore, with the advent of new technologies including cell phones, texting, e-mail and social media tools such as Facebook and Twitter to name a few, there seem to be new avenues for bullies to take in their quest to make others' lives miserable.

As such, the NAACP commends and appreciates the US Department of Education, the Department of Justice and of course the US Commission on Civil Rights, as well as various other governmental and non-governmental organizations for aggressively pursuing the laws in an attempt to protect our children. Yet sadly there always seems to be a case in which their efforts fall short. Take for example the case of Derrion Albert. Derrion was a 16-year old junior honors student at Christian Fenger Academy High School, on Chicago's South Side when he was beaten to death. Although the location of his beating was outside of school grounds, it has been reported that he had been bullied and harassed by the two opposing gangs on school property during school hours for some time.

Derrion's death served as a tragic reminder of the dangerous, and sometimes lethal, repercussions of bullying and harassment.

I have been asked to give my opinion, and that of the NAACP, on the extent of the problem. Because many victims of bullying and harassment are oftentimes too frightened to come forward, suffice it to say that cases such as Derrion's, offer proof that bullying is alive and prevalent at our nation's schools.

On October 26, 2010, Russlyn Ali, the Assistant Secretary for Civil Rights at the US Department of Education issued a "Dear Colleague letter" to schools outlining which actions will instigate action by the US Department of Education or the US Department of Justice. In her letter, Assistant Secretary Ali was careful to point out, however, that "... even when bullying or harassment is not a civil rights violation, schools should still seek to prevent it in order to protect students from the physical and emotional harms that it may cause¹." She went on in her letter to state that "If an investigation reveals that discriminatory harassment has occurred, a school must take prompt and effective steps reasonably calculated to end the harassment, eliminate any hostile environment and its effects, and prevent the harassment from recurring."²

Yet a careful review of Assistant Secretary Ali's letter demonstrates what the NAACP believes to be true: punishment is not always the answer. In fact, the NAACP firmly advocates a comprehensive or holistic approach to eliminating the scourge of bullying which not only educates the victim of his or her rights and helps him or her to heal, but investigates, determines and eliminates the roots behind the actions of the bully.

Mr. Chairman, bullying and harassment is a real problem in our schools, and one that needs to be dealt with effectively. We need a response that gets at the root of the

¹ See Russlynn Ali, Asst. Sec'y for Civil Rights, U.S. Dep't of Educ., Dear Colleague Letter: Harassment and Bullying, Oct. 26, 2010, available at <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.html>.

² Ibid

problem if we are to completely eliminate it once and for all. And, because bullying affects individuals as well as families and whole communities, we need a response that allows input from all who have been or might be affected.

Thus, the NAACP supports the establishment of anti-bullying programs that put a structure in place. This structure would:

- (1) Determine the extent of the problem, the damage done to the victim or victims, and determine an appropriate recourse;
- (2) Offer support for the victim(s) so that he, she or they are able to fully heal and move beyond the incident; and
- (3) Provide services to the perpetrator(s) to ensure that they stop their abusive behavior while being mindful of their age and stage in development.

If the War on Drugs has taught us anything, it is that blanket incarceration and “zero tolerance” can easily result in a racially disparate implementation of the law, which only further decimates our people and our neighborhoods.

Rather, the NAACP would like to see school districts establish groups or committees made up of teachers, councilors and administrators as well as community representatives and people from local advocacy organizations who are familiar with resources, whether they be educational, health-based or other to help the bully realize the hurtfulness of his or her actions, and eliminate the root causes. I suspect that the Department of Justice and the Department of Education already have resources to assist in the establishment of such groups, but if not we would certainly support legislation to assist in the creation of such convenings.

Chairman Castro, Members of the Commission, I again thank you for your attention to this very important matter. School-based bullying, whether it is due to an individual’s race, ethnicity, national origin, sex, disability or sexual orientation is not only hurtful but dangerous as well and should be eliminated if we as a society are to ever reach our full potential. I would caution you, however, to be very caution as you move forward not to do more harm than good.

I thank you again for this opportunity to share some thoughts with you and I welcome your questions.