



## Texas Must Prohibit and Prevent Identity-based Bullying in Schools

**IDRA Testimony for HB 4625, submitted by Paige Duggins-Clay, J.D., to the Texas House Committee on Youth Health and Safety, April 17, 2023**

Dear Chair Thompson and Honorable Members of the Committee:

My name is Paige Duggins-Clay, J.D., and I have the pleasure of serving as the chief legal analyst at IDRA, an independent, non-partisan non-profit committed to achieving equal educational opportunity for every student through strong public schools that prepare all students to access and succeed in college.

IDRA is proud to support HB 4625, which will strengthen Texas laws relating to prevention and response to racial and other forms of identity-based bullying.

The U.S. Department of Justice defines identity-based bullying as bullying arising from a single significant act or pattern of acts by one or more students that is based on or targets a student's actual or perceived race, ethnicity, color, national origin, sex, gender, religion, or disability status (Lahdon & Rapp, 2021). This also includes bullying based on association with a person or group of people with these characteristics.

Unfortunately, incidents of identity-based bullying, harassment and hate crimes are on the rise in Texas and across the nation. A 2021 report from the Government Accountability Office (GAO) found that one in four students experienced bullying that was based on their race, national origin, religion, disability, gender or sexual orientation.

Similarly, the Department of Justice's Office of Juvenile Justice and Delinquency Prevention recently reported that hate crimes and physical attacks with a weapon have nearly doubled in recent years (2022). The incidents most commonly target students because of their race and national origin. The same report found that one in four students reported seeing hate words or symbols (such as those referencing racial or homophobic slurs) written in their schools, and approximately 7% of students experienced hate speech related to their race, religion, ethnic background/national origin, disability, gender or sexual orientation. Another report making similar findings indicated that 23% of students reported seeing hate-related graffiti at school (Wang, et al., 2019).

Here are some stories of what is happening in Texas:

- In Mission, students sent a 13-year-old Black girl racist comments and photos, including photoshopping her face onto the iconic image of Emmett Till's mutilated body and onto a graphic image of a KKK lynching, circulating the content on social media (Bride, 2023).

- In Southlake, a Jewish student reported repeatedly experiencing bullying about his facial features and “gas chambers” at school, which was so severe that he contemplated suicide and forced him out of the school system (Hixenbaugh, 2021).
- In Plano, students called a 13-year-old Black boy racial slurs and beat him with a belt in the boy’s locker room. The student was so miserable, he quit the football team. Later, at a sleepover where the bullies were present, students shot him with a BB gun, slapped him, and made him drink their urine. (Cronin, 2021)
- In Austin, students defaced student parking spots with racist, homophobic, and antisemitic slurs and images, including depictions of swastikas and the N-word (Ruiz, 2021).
- In East Texas, a Black student with autism was photographed in the bathroom, and students circulated the picture online with a caption mocking his disability and using a racial slur (Roy & Menezes, 2022).
- In Aledo, just outside of Fort Worth, high school students created a social media group pretending to auction their Black classmates. One week after the discovery of the social media group, fliers were disseminated across school campuses in the Aledo school district announcing a “Great Sale of Slaves.” (Amelash, et al., 2021)

These are just a handful of examples demonstrating the need for change. According to a recent report by the Charles Butt Foundation, Texas parents identified bullying as the greatest risk to safety, belonging and inclusion in Texas schools (2023). Parents of color are particularly concerned with the risk of racial bullying and discrimination in their schools: 69% of Black parents and 59% of Latino parents reported feeling that students face a moderate or large risk of discrimination based on their race or ethnicity. These findings are supported by national data recently reviewed by the Pew Research Center (Minkin & Menasce Horowitz, 2023).

Bullying and harassment jeopardizes students’ ability to learn, and it undermines a school’s climate, leaving many students, staff and communities feeling unsafe and disconnected. We must ensure that students, school communities and parents have the necessary tools to prevent and address identity-based bullying and can support all students impacted by it.

Effectively addressing bullying and harassment is critical to ensuring school safety and addressing youth mental health. Bullying is associated with negative health outcomes, such as depression and suicide – which can be exacerbated when students experience bullying on the basis of their identity.

While Texas has made significant progress in addressing bullying in schools, schools do not have a clear framework for conducting and documenting bullying investigations, and TEA does not collect data on bullying targeting students based on their protected status.

In addition, teachers have reported feeling unequipped and afraid to effectively address identity-based bullying and harassment due to misinformation about Texas education laws pertaining to prohibited concepts that can be taught and discussed in schools.

The state must be clear that bullying on the basis of a person’s protected status, including their race and gender, is prohibited and ensure that school employees feel empowered to act to prevent or address racial bullying and harassment. We urge this committee to pass HB 4625 to strengthen bullying protections and ensure that all children – regardless of their background – have a safe and supportive place to learn and grow.

IDRA is available for any questions or further resources that we can provide. Thank you for your consideration. For more information, please contact Alisha Tuff at [alisha.tuff@idra.org](mailto:alisha.tuff@idra.org) or Paige Duggins-Clay, J.D., at [paige.duggins-clay@idra.org](mailto:paige.duggins-clay@idra.org)

## Resources

- Amelash, L., Lavandera, E., & Killough, A. (April 23, 2021). Group of Texas students disciplined after they pretended to auction Black classmates in social media group chat. CNN. <https://www.cnn.com/2021/04/23/us/aledo-texas-students-racist-snapchat-group-chat-trnd/index.html>
- Bride, K. (February 14, 2023). Testimony of Kristin Bride United States Senate Committee on the Judiciary Hearing on Protecting Our Children Online. <https://issueone.org/wp-content/uploads/2023/02/Final-Written-Testimony-of-Kristin-Bride-for-2-14-23-Senate-Judiciary-Committee-Hearing.docx.pdf>
- Charles Butt Foundation. (2023). Strong Support, Clear Challenges. The 2023 poll on Texans’ attitudes toward public education. <https://charlesbuttfdn.org/wp-content/uploads/2023/01/2023-txed-poll.pdf>
- Craven, M. (June 16, 2022). What Safe Schools Should Look Like for Every Student – A Guide to Building Safe and Welcoming Schools and Rejecting Policies that Hurt Students – IDRA Issue Brief. IDRA. <https://idra.news/SafeSchoolsIB>
- Cronin, A. (March 10, 2021). “This is More Than Bullying”: Mother of Plano 8th Grader Calls for District-wide Change. Local Profile. <https://localprofile.com/2021/03/10/this-is-more-than-bullying-mother-of-plano-8th-grader-calls-for-district-wide-change/>
- GAO. (2021). K-12 Education: Students’ Experiences With Bullying, Hate Speech, Hate Crimes, and Victimization in Schools. Report to the Chairman, Committee on Education and Labor, House of Representatives. Government Accountability Office. <https://www.gao.gov/assets/gao-22-104341.pdf>
- Hixenbaugh, M. (October 18, 2021). Jewish Southlake residents on Holocaust remark: 'There are not two sides'. NBC News. <https://www.nbcnews.com/news/us-news/southlake-texas-holocaust-jewish-school-books-rcna3264>
- Lahdon, T., & Rapp, S. (2021). Preventing Youth Hates Crimes and Identity Based Bullying. U.S. Department of Justice. <https://www.justice.gov/hatecrimes/spotlight/preventing-youth-hate-crimes>
- Minkin, R., Menasce Horowitz, J. (2023). Parenting in America Today. Race, Ethnicity, and Parenting. Pew Research Center. <https://www.pewresearch.org/social-trends/2023/01/24/race-ethnicity-and-parenting/>
- Reagan, R., Menezes, S. (April 29, 2022). Community rallies around family after social media post bullies East Texas student with autism. CBS 19. <https://www.cbs19.tv/article/news/community/students-bullies-autistic-student-through-social-media/501-dfa8ee93-da80-4732-a66c-9d6595850a03>
- Roy, R., & Menezes, S. (April 29, 2022). Community rallies around family after social media post bullies East Texas student with autism. CBS-TV Tyler. <https://www.cbs19.tv/article/news/community/students-bullies-autistic-student-through-social-media/501-dfa8ee93-da80-4732-a66c-9d6595850a03>
- Ruiz, A. (October 23, 2021). Anti-Semitic, racist, homophobic graffiti found in school parking lot. Fox 7 Austin. <https://www.fox7austin.com/news/anti-semitic-racist-homophobic-graffiti-found-in-school-parking-lot>
- U.S. Department of Justice. (2022). Hate Crimes and Youth, Literature Review: A Product of the Model Programs Guide. U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention. <https://ojjdp.ojp.gov/model-programs-guide/literature-reviews/hate-crimes-and-youth#3>

*IDRA is an independent, non-profit organization led by Celina Moreno, J.D. Our mission is to achieve equal educational opportunity for every child through strong public schools that prepare all students to access and succeed in college. IDRA strengthens and transforms public education by leading policy analyses and advocacy; dynamic teacher training and principal coaching; useful research, evaluation and frameworks for action; and innovative student, family and community engagement.*