



Office of The Attorney General  
**State of Connecticut**

**TESTIMONY OF  
ATTORNEY GENERAL GEORGE JEPSEN  
BEFORE THE EDUCATION COMMITTEE  
MARCH 11, 2011**

I appreciate the opportunity to comment on Raised Bill No. 1138, An Act Concerning the Strengthening of School Bullying Laws. I commend the legislature and strongly support strengthening the school bullying laws to include cyberbullying.

The National Education Association estimates that more than 160,000 children miss school every day because of fear of attack or intimidation by other students. In addition, "six out of 10 American teenagers witness bullying in school once a day." "Bullying affects nearly one in three American school children in grades six through 10 and 83 percent of girls and 79 percent of boys report experiencing harassment".<sup>1</sup> In Connecticut, more than 1,000 cases of bullying have been reported since 2002.

Bullying no longer exists solely within the confines of school. With the use of cell-phones, Internet technology and social-networking sites, teenagers and pre-teens are more vulnerable to the dangers of bullying and harassment on one of the most dangerous playgrounds: the Internet. Students no longer have the refuge of home. Technology makes students easily accessible through cell phones, social-networking sites, and online gaming systems long after school closes. According to a 2009 Cyberbullying Research Center report, "approximately 20 percent of the students sampled reported experiencing cyberbullying in their lifetimes...and approximately 20 percent of students admitted to cyberbullying."<sup>2</sup>

While school administrators cannot always control what students do outside of school, this legislation helps administrators control cell-phone and Internet technology use in schools, teach children how to protect themselves on the Internet and create a safe school environment for children to learn. This bill also expands the scope of schools' jurisdiction to address bullying. I applaud the bill's provision addressing bullying outside the school setting. Too often students who are bullied outside of school end up being tardy, skipping classes or skipping school entirely. School becomes a hostile environment for the student, and ultimately impacts the student's ability to learn and thrive. In addition, the development of a Safe School Awareness Day is a positive step towards addressing school climate. Anti-bullying legislation alone will not foster a school climate of tolerance and respect. Raising awareness and promoting discussions

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<sup>1</sup> National Education Association (2011) Our Position and Actions on School Safety.  
<http://www.nea.org/home/19535.htm>

<sup>2</sup> Cyberbullying Research Center (2010), <http://www.cyberbullying.us/research.php>

and activities around bullying, tolerance and respect will help to promote a safe learning environment for all students.

The bill also requires professional training for teachers, administrators and pupil personnel. Such training is essential. It provides teachers the tools they need to address and prevent bullying. Too often teachers and administrators feel powerless because they do not know how to prevent school violence, resolve conflicts and identify and respond to bullying. Providing necessary training will help. The bill would be even stronger, however, if it were amended to enumerate the categories of those students most often subject to harassment. Adding race, religion, sexual orientation and gender identity would provide clear guidance to school administrators and let the most vulnerable students know they are protected. According to the National Education Association, anti-bullying policies that do not enumerate the specific classes of protected students are generally less effective when it comes to creating school climates that are free of bias and harassment.<sup>3</sup> As the United States Supreme Court noted in *Romer v. Evans*, “enumeration is the essential device used to make the duty not to discriminate concrete and to provide guidance for those who must comply.”<sup>4</sup>

Currently, 10 states have enumerated categories in their anti-bullying laws. Research shows that “students from schools with an enumerated policy are 50 percent more likely to feel very safe at school. Students without such a policy are three times more likely to skip a class because they feel uncomfortable or unsafe.”<sup>5</sup> Enumeration also helps school personnel. When they can point to clear language that says students are protected because of their race, religion, sexual orientation or gender identity, they feel more comfortable enforcing the policy<sup>6</sup>. Lastly, enumeration provides protection for school personnel who might otherwise become targets of harassment themselves.

I have always been a strong defender of civil rights and equality under the law. As a lawyer, as a parent and as a person, I am proud to stand up and say bullying and harassing behavior is wrong. Students, regardless of their race, religion, sexual orientation, or gender identity must know that they are protected. We can't ignore the problems. We must solve them. Our children are depending on us.

Thank you again for your efforts. I look forward to working with the committee on this important matter.

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<sup>3</sup> National Education Association (2009), *Gay, Lesbian, Bisexual and Transgender Issues in Society and Education*, p. 6

<sup>4</sup> *Romer v. Evans* (1996) 517 U.S. 620

<sup>5</sup> Kosciw, J. G., Diaz, E. M. and Greytak, E.A. (2008). *The 2007 National School Climate Survey: The experience of lgbt youth in our nation's schools*. New York: Gay Lesbian Straight Education Network.

<sup>6</sup> Gay Lesbian Straight Education Network (2011) *Enumeration: A tool for advocates*.