



# Senate

General Assembly

**File No. 427**

January Session, 2011

Substitute Senate Bill No. 1138

*Senate, April 6, 2011*

The Committee on Education reported through SEN. STILLMAN of the 20th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

## ***AN ACT CONCERNING THE STRENGTHENING OF SCHOOL BULLYING LAWS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 10-222d of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective July 1, 2011*):

3 (a) As used in this section and sections 10-145a, as amended by this  
4 act, 10-145o, as amended by this act, 10-220a, as amended by this act,  
5 10-222g, as amended by this act, 10-222h, as amended by this act, 10-  
6 263e and sections 5, 7 and 10 of this act:

7 (1) "Bullying" means the repeated use by one or more students of a  
8 written, verbal or electronic communication, such as cyberbullying, or  
9 a physical act or gesture directed at another student attending school  
10 in the same school district that: (A) Causes physical or emotional harm  
11 to such student or damage to such student's property, (B) places such  
12 student in reasonable fear of harm to himself or herself, or of damage  
13 to his or her property, (C) creates a hostile environment at school for

14 such student, (D) infringes on the rights of such student at school, or  
15 (E) substantially disrupts the education process or the orderly  
16 operation of a school. Bullying shall include, but not be limited to, a  
17 written, verbal or electronic communication or physical act or gesture  
18 based on any actual or perceived differentiating characteristics, such as  
19 race, color, religion, ancestry, national origin, gender, sexual  
20 orientation, gender identity and expression, socioeconomic status,  
21 academic status, gender identity, physical appearance, or mental,  
22 physical, developmental or sensory disability, or by association with  
23 an individual or group who has or is perceived to have one or more of  
24 such characteristics;

25 (2) "Cyberbullying" means any act of bullying through the use of the  
26 Internet, interactive and digital technologies, cellular mobile telephone  
27 or other mobile electronic devices or any electronic communications;

28 (3) "Mobile electronic device" means any hand-held or other  
29 portable electronic equipment capable of providing data  
30 communication between two or more individuals, including, but not  
31 limited to, a text messaging device, a paging device, a personal digital  
32 assistant, a laptop computer, equipment that is capable of playing a  
33 video game or a digital video disk, or equipment on which digital  
34 photographs are taken or transmitted;

35 (4) "Electronic communication" means any transfer of signs, signals,  
36 writing, images, sounds, data or intelligence of any nature transmitted  
37 in whole or in part by a wire, radio, electromagnetic, photoelectronic  
38 or photo-optical system;

39 (5) "Hostile environment" means a situation in which bullying  
40 among students is sufficiently severe or pervasive to alter the  
41 conditions of the school climate;

42 (6) "Outside of the school setting" means at a location, activity or  
43 program that is not school related, or through the use of an electronic  
44 device or a mobile electronic device that is not owned, leased or used  
45 by a local or regional board of education;

46 (7) "School employee" means (A) a teacher, substitute teacher,  
47 school administrator, school superintendent, guidance counselor,  
48 psychologist, social worker, nurse, physician, school paraprofessional  
49 or coach employed by a local or regional board of education or  
50 working in a public elementary, middle or high school; or (B) any  
51 other individual who, in the performance of his or her duties, has  
52 regular contact with students and who provides services to or on  
53 behalf of students enrolled in a public elementary, middle or high  
54 school, pursuant to a contract with the local or regional board of  
55 education; and

56 (8) "School climate" means the quality and character of school life  
57 with a particular focus on the quality of the relationships within the  
58 school community between and among students and adults.

59 (b) Each local and regional board of education shall develop and  
60 implement a [policy] safe school climate plan to address the existence  
61 of bullying in its schools. Such [policy] plan shall: (1) Enable students  
62 to anonymously report acts of bullying to [teachers and school  
63 administrators] school employees and require students and the parents  
64 or guardians of students to be notified annually of the process by  
65 which they may make such reports, (2) enable the parents or guardians  
66 of students to file written reports of suspected bullying, (3) require  
67 [teachers and other school staff] school employees who witness acts of  
68 bullying or receive [student] reports of bullying to orally notify [school  
69 administrators in writing] the safe school climate specialist, described  
70 in section 9 of this act, or another school administrator if the safe  
71 school climate specialist is unavailable, not later than one school day  
72 after such school employee witnesses or receives a report of bullying,  
73 and to file a written report not later than two school days after making  
74 such oral report, (4) require [school administrators to investigate any]  
75 the safe school climate specialist to investigate or supervise the  
76 investigation of all reports of bullying and ensure that such  
77 investigation is completed not later than ten school days after receipt  
78 of any written reports made under this section, [and] (5) require the  
79 safe school climate specialist to review any anonymous reports, except

80 that no disciplinary action shall be taken solely on the basis of an  
81 anonymous report, [(5)] (6) include a prevention and intervention  
82 strategy, as defined by section 10-222g, as amended by this act, for  
83 school [staff] employees to deal with bullying, [(6)] (7) provide for the  
84 inclusion of language in student codes of conduct concerning bullying,  
85 [(7)] (8) require each school to notify the parents or guardians of  
86 students who commit any verified acts of bullying and the parents or  
87 guardians of students against whom such acts were directed [, and  
88 invite them to attend at least one meeting, (8) require each school] not  
89 later than forty-eight hours after the completion of the investigation  
90 described in subdivision (4) of this subsection, (9) require each school  
91 to invite the parents or guardians of a student who commits any  
92 verified act of bullying and the parents or guardians of the student  
93 against whom such act was directed, not later than ten days after the  
94 completion of the investigation described in subdivision (4) of this  
95 subsection, to a meeting to communicate to such parents or guardians  
96 the measures being taken by the school to ensure the student's safety  
97 and to prevent further acts of bullying, (10) establish a procedure for  
98 each school to document and maintain records relating to reports and  
99 investigations of bullying in such school and to maintain a list of the  
100 number of verified acts of bullying in such school and make such list  
101 available for public inspection, and [, within available appropriations,]  
102 annually report such number to the Department of Education,  
103 [annually] and in such manner as prescribed by the Commissioner of  
104 Education, [(9)] for purposes of the state-wide safe school climate  
105 resource network, described in section 4 of this act, (11) direct the  
106 development of case-by-case interventions for addressing repeated  
107 incidents of bullying against a single individual or recurrently  
108 perpetrated bullying incidents by the same individual that may  
109 include both counseling and discipline, [and (10) identify the  
110 appropriate school personnel, which may include, but shall not be  
111 limited to, pupil services personnel, responsible for taking a bullying  
112 report and investigating the complaint] (12) prohibit discrimination  
113 and retaliation against an individual who reports or assists in the  
114 investigation of an act of bullying, (13) prohibit the continuation and

115 perpetuation of bullying of a student through the dissemination of  
116 hurtful or demeaning material by any other student, (14) require the  
117 principal of a school, or the principal's designee, to notify the  
118 appropriate local law enforcement agency when such principal, or the  
119 principal's designee, believes that any acts of bullying constitute  
120 criminal conduct, (15) prohibit bullying (A) on school grounds, at a  
121 school-sponsored or school-related activity, function or program  
122 whether on or off school grounds, at a school bus stop, on a school bus  
123 or other vehicle owned, leased or used by a local or regional board of  
124 education, or through the use of an electronic device or an electronic  
125 mobile device owned, leased or used by the local or regional board of  
126 education, and (B) outside of the school setting if such bullying (i)  
127 creates a hostile environment at school for the victim, (ii) infringes on  
128 the rights of the victim at school, or (iii) substantially disrupts the  
129 education process or the orderly operation of a school, (16) require, at  
130 the beginning of each school year, each school to provide all school  
131 employees with a written or electronic copy of the school district's safe  
132 school climate plan, and (17) require that all school employees  
133 annually complete the training described in section 10-220a, as  
134 amended by this act, or section 6 of this act. The notification required  
135 pursuant to subdivision [(7)] (8) of this subsection and the invitation  
136 required pursuant to subdivision (9) of this [section] subsection shall  
137 include a description of the response of school [staff] employees to  
138 such acts and any consequences that may result from the commission  
139 of further acts of bullying. [For purposes of this section, "bullying"  
140 means any overt acts by a student or a group of students directed  
141 against another student with the intent to ridicule, harass, humiliate or  
142 intimidate the other student while on school grounds, at a school-  
143 sponsored activity or on a school bus, which acts are committed more  
144 than once against any student during the school year. Such policies  
145 may include provisions addressing bullying outside of the school  
146 setting if it has a direct and negative impact on a student's academic  
147 performance or safety in school.]

148 (c) Not later than [February 1, 2009] January 1, 2012, each local and  
149 regional board of education shall [submit the policy] approve the safe

150 school climate plan developed pursuant to this section and submit  
151 such plan to the Department of Education. Not later than [July 1, 2009,  
152 each] thirty calendar days after approval of such plan by the local or  
153 regional board of education, the board shall make such plan available  
154 on the board's and each individual school in the school district's  
155 Internet web site and ensure that [the policy] such plan is included in  
156 the school district's publication of the rules, procedures and standards  
157 of conduct for schools and in all student handbooks.

158 (d) On and after July 1, 2012, and biennially thereafter, each local  
159 and regional board of education shall require each school in the district  
160 to complete an assessment using the school climate assessment  
161 instruments, including surveys, created and disseminated by the  
162 Department of Education pursuant to section 10-222h, as amended by  
163 this act. Each local and regional board of education shall collect the  
164 school climate assessments for each school in the district and submit  
165 such school climate assessments to the department.

166 Sec. 2. Section 10-222g of the general statutes is repealed and the  
167 following is substituted in lieu thereof (*Effective July 1, 2011*):

168 For the purposes of section 10-222d, as amended by this act, the  
169 term "prevention and intervention strategy" may include, but is not  
170 limited to, (1) implementation of a positive behavioral interventions  
171 and supports process or another evidence-based model approach for  
172 safe school climate or for the prevention of bullying identified by the  
173 Department of Education, (2) [a school survey to determine the  
174 prevalence of bullying, (3) establishment of a bullying prevention  
175 coordinating committee with broad representation to review the  
176 survey results and implement the strategy, (4)] school rules prohibiting  
177 bullying, harassment and intimidation and establishing appropriate  
178 consequences for those who engage in such acts, [(5)] (3) adequate  
179 adult supervision of outdoor areas, hallways, the lunchroom and other  
180 specific areas where bullying is likely to occur, [(6)] (4) inclusion of  
181 grade-appropriate bullying education and prevention curricula in  
182 kindergarten through high school, [(7)] (5) individual interventions

183 with the bully, parents and school [staff] employees, and interventions  
184 with the bullied child, parents and school [staff] employees, [(8)] (6)  
185 school-wide training related to safe school climate, (7) student peer  
186 training, education and support, and [(9)] (8) promotion of parent  
187 involvement in bullying prevention through individual or team  
188 participation in meetings, trainings and individual interventions.

189 Sec. 3. Section 10-222h of the general statutes is repealed and the  
190 following is substituted in lieu thereof (*Effective July 1, 2011*):

191 (a) The Department of Education shall, within available  
192 appropriations, (1) [review and analyze the policies submitted to the  
193 department pursuant to section 10-222d, (2) examine the relationship  
194 between bullying, school climate and student outcomes, (3)] document  
195 school districts' articulated needs for technical assistance and training  
196 related to safe learning and bullying, [(4)] (2) collect information on the  
197 prevention and intervention strategies used by schools to reduce the  
198 incidence of bullying, improve school climate and improve reporting  
199 outcomes, [and (5)] (3) develop or recommend a model [policies] safe  
200 school climate plan for grades kindergarten to twelve, inclusive, [for  
201 the prevention of bullying] and (4) create, in collaboration with the  
202 Connecticut Association of Schools, and disseminate to all public  
203 schools grade-level appropriate school climate assessment  
204 instruments, including surveys, to be used by local and regional  
205 boards of education for the purposes of collecting information  
206 described in subdivision (2) of this subsection so that the department  
207 can monitor bullying prevention efforts over time and compare each  
208 district's progress to state trends and provide such information to the  
209 state-wide safe school climate resource network described in section 4  
210 of this act. On or before February 1, 2010, and biennially thereafter, the  
211 department shall, in accordance with the provisions of section 11-4a,  
212 submit a report on the status of its efforts pursuant to this section  
213 including, but not limited to, the number of verified acts of bullying in  
214 the state, an analysis of the responsive action taken by school districts  
215 and any recommendations it may have regarding additional activities  
216 or funding to prevent bullying in schools and improve school climate

217 to the joint standing committee of the General Assembly having  
218 cognizance of matters relating to education and to the select committee  
219 of the General Assembly having cognizance of matters relating to  
220 children.

221 (b) The department shall designate, within available appropriations,  
222 the first Wednesday in October in each year to be Safe School Climate  
223 Awareness Day, which day shall be suitably observed in all the public  
224 schools of the state as a day to increase public awareness of the effects  
225 of bullying, to encourage students to not use hurtful names and to  
226 promote tolerance and respect for differences among students across  
227 the state.

228 [(b)] (c) The department may accept private donations for the  
229 purposes of this section.

230 Sec. 4. (NEW) (*Effective July 1, 2011*) (a) The Department of  
231 Education, in consultation with the State Education Resource Center,  
232 the Governor's Prevention Partnership and the Commission on  
233 Children, shall establish, within available appropriations, a state-wide  
234 safe school climate resource network for the identification, prevention  
235 and education of school bullying in the state. Such state-wide safe  
236 school climate resource network shall collect and analyze bullying data  
237 collected pursuant to subsection (b) of section 10-222d of the general  
238 statutes, as amended by this act, and subsection (a) of section 10-222h  
239 of the general statutes, as amended by this act, provide training to  
240 school employees, as defined in section 10-222d of the general statutes,  
241 as amended by this act, and provide safe school climate resource  
242 materials to local and regional boards of education.

243 (b) The department may seek federal, state and municipal funding  
244 and may accept private donations for the administration of the state-  
245 wide safe school climate resource network.

246 Sec. 5. Subsection (a) of section 10-220a of the general statutes is  
247 repealed and the following is substituted in lieu thereof (*Effective July*  
248 *1, 2011*):

249 (a) Each local or regional board of education shall provide an in-  
250 service training program for its teachers, administrators and pupil  
251 personnel who hold the initial educator, provisional educator or  
252 professional educator certificate. Such program shall provide such  
253 teachers, administrators and pupil personnel with information on (1)  
254 the nature and the relationship of drugs, as defined in subdivision (17)  
255 of section 21a-240, and alcohol to health and personality development,  
256 and procedures for discouraging their abuse, (2) health and mental  
257 health risk reduction education which includes, but need not be  
258 limited to, the prevention of risk-taking behavior by children and the  
259 relationship of such behavior to substance abuse, pregnancy, sexually  
260 transmitted diseases, including HIV-infection and AIDS, as defined in  
261 section 19a-581, violence, teen dating violence, domestic violence, child  
262 abuse and youth suicide, (3) the growth and development of  
263 exceptional children, including handicapped and gifted and talented  
264 children and children who may require special education, including,  
265 but not limited to, children with attention-deficit hyperactivity  
266 disorder or learning disabilities, and methods for identifying, planning  
267 for and working effectively with special needs children in a regular  
268 classroom, (4) school violence prevention, conflict resolution and the  
269 identification and prevention of and response to bullying, as defined in  
270 subsection (a) of section 10-222d, as amended by this act, except that  
271 those boards of education that implement [an] any evidence-based  
272 model approach [.] that is approved by the Department of Education  
273 and is consistent with subsection (d) of section 10-145a, as amended by  
274 this act, subsection (a) of section 10-220a, as amended by this act,  
275 sections 10-222d, as amended by this act, 10-222g, as amended by this  
276 act, and 10-222h, as amended by this act, subsection (g) of section 10-  
277 233c and sections 1 and 3 of public act 08-160, shall not be required to  
278 provide in-service training on prevention of bullying, (5)  
279 cardiopulmonary resuscitation and other emergency life saving  
280 procedures, (6) computer and other information technology as applied  
281 to student learning and classroom instruction, communications and  
282 data management, (7) the teaching of the language arts, reading and  
283 reading readiness for teachers in grades kindergarten to three,

284 inclusive, and (8) second language acquisition in districts required to  
285 provide a program of bilingual education pursuant to section 10-17f.  
286 Each local and regional board of education may allow any  
287 paraprofessional or noncertified employee to participate, on a  
288 voluntary basis, in any in-service training program provided pursuant  
289 to this section. The State Board of Education, within available  
290 appropriations and utilizing available materials, shall assist and  
291 encourage local and regional boards of education to include: (A)  
292 Holocaust education and awareness; (B) the historical events  
293 surrounding the Great Famine in Ireland; (C) African-American  
294 history; (D) Puerto Rican history; (E) Native American history; (F)  
295 personal financial management; (G) domestic violence and teen dating  
296 violence; and (H) topics approved by the state board upon the request  
297 of local or regional boards of education as part of in-service training  
298 programs pursuant to this subsection.

299       Sec. 6. (NEW) (*Effective July 1, 2011*) The Department of Education  
300 shall provide, within available appropriations, annual training to  
301 school employees, as defined in section 10-222d of the general statutes,  
302 as amended by this act, except those school employees who hold the  
303 initial educator, provisional educator or professional educator  
304 certificate, on the prevention, identification and response to school  
305 bullying. Such training may include, but not be limited to, (1)  
306 developmentally appropriate strategies to prevent bullying among  
307 students in school and outside of the school setting, (2)  
308 developmentally appropriate strategies for immediate and effective  
309 interventions to stop bullying, (3) information regarding the  
310 interaction and relationship between students committing acts of  
311 bullying, students against whom such acts of bullying are directed and  
312 witnesses of such acts of bullying, (4) research findings on bullying,  
313 such as information about the types of students who have been shown  
314 to be at-risk for bullying in the school setting, (5) information on the  
315 incidence and nature of cyberbullying, as defined in section 10-222d of  
316 the general statutes, as amended by this act, or (6) Internet safety  
317 issues as they relate to cyberbullying. Such training may be presented  
318 in person by mentors, offered in state-wide workshops or through on-

319 line courses.

320 Sec. 7. Subdivision (1) of subsection (e) of section 10-145o of the  
321 general statutes is repealed and the following is substituted in lieu  
322 thereof (*Effective July 1, 2011*):

323 (e) (1) Beginning teachers shall satisfactorily complete instructional  
324 modules in the following areas: (A) Classroom management and  
325 climate, which shall include training regarding the prevention,  
326 identification and response to school bullying; (B) lesson planning and  
327 unit design; (C) delivering instruction; (D) assessing student learning;  
328 and (E) professional practice. Beginning teachers shall complete two  
329 modules in their first year in the program and three modules in their  
330 second year in the program, except as otherwise provided by the  
331 Commissioner of Education, or as provided for in subsection (h) of this  
332 section.

333 Sec. 8. Subsection (d) of section 10-145a of the general statutes is  
334 repealed and the following is substituted in lieu thereof (*Effective July*  
335 *1, 2011*):

336 (d) Any candidate in a program of teacher preparation leading to  
337 professional certification shall [be encouraged to] complete a school  
338 violence, bullying and suicide prevention and conflict resolution  
339 component of such a program.

340 Sec. 9. (NEW) (*Effective July 1, 2011*) (a) For the school year  
341 commencing July 1, 2012, and each school year thereafter, the  
342 superintendent of each local or regional board of education shall  
343 appoint, from among existing school district staff, a district safe school  
344 climate coordinator. The district safe school climate coordinator shall:  
345 (1) Be responsible for implementing the district's safe school climate  
346 plan, developed pursuant to section 10-222d of the general statutes, as  
347 amended by this act, (2) collaborate with the safe school climate  
348 specialists, described in subsection (b) of this section, the board of  
349 education for the district and the superintendent of schools of the  
350 school district to prevent, identify and respond to bullying in the

351 schools of the district, (3) provide data and information, in  
352 collaboration with the superintendent of schools of the district, to the  
353 Department of Education regarding bullying, in accordance with the  
354 provisions of subsection (b) of section 10-222d of the general statutes,  
355 as amended by this act, and subsection (a) of section 10-222h of the  
356 general statutes, as amended by this act, and (4) meet with the safe  
357 school climate specialists at least twice during the school year to  
358 discuss issues relating to bullying in the school district and to make  
359 recommendations concerning amendments to the district's safe school  
360 climate plan.

361 (b) For the school year commencing July 1, 2012, and each school  
362 year thereafter, the principal of each school, or the principal's designee,  
363 shall serve as the safe school climate specialist and shall (1) investigate  
364 or supervise the investigation of reported acts of bullying in the school  
365 in accordance with the district's safe school climate plan, (2) collect and  
366 maintain records of reports and investigations of bullying in the  
367 school, and (3) act as the primary school official responsible for  
368 preventing, identifying and responding to reports of bullying in the  
369 school.

370 (c) (1) For the school year commencing July 1, 2012, and each school  
371 year thereafter, each public school in the state shall have at least one  
372 committee in the school that is responsible for developing and  
373 fostering a safe school climate and addressing issues relating to  
374 bullying in the school. Such committee shall include at least one parent  
375 or guardian of a student enrolled in the school appointed by the school  
376 principal.

377 (2) Any such committee shall: (A) receive copies of completed  
378 reports following investigations of bullying, (B) identify and address  
379 patterns of bullying among students in the school, (C) review and  
380 amend school policies relating to bullying, (D) review and make  
381 recommendations to the district safe school climate coordinator  
382 regarding the district's safe school climate plan based on issues and  
383 experiences specific to the school, (E) educate students, school

384 employees and parents and guardians of students on issues relating to  
385 bullying, (F) collaborate with the district safe school climate  
386 coordinator in the collection of data regarding bullying, in accordance  
387 with the provisions of subsection (b) of section 10-222d of the general  
388 statutes, as amended by this act, and subsection (a) of section 10-222h  
389 of the general statutes, as amended by this act, and (G) perform any  
390 other duties as determined by the school principal that are related to  
391 the prevention, identification and response to school bullying for the  
392 school.

393 (3) Any parent or guardian serving as a member of any such  
394 committee shall not participate in the activities described in  
395 subparagraphs (A) and (B) of subdivision (2) of this subsection or any  
396 other activity that may compromise the confidentiality of a student.

397 Sec. 10. (NEW) (*Effective July 1, 2011*) (a) No school employee, as  
398 defined in section 10-222d of the general statutes, as amended by this  
399 act, shall be personally liable for damage or injury, not wanton,  
400 reckless or malicious, caused in the discharge of his or her duties or  
401 within the scope of his or her employment as it relates to the reporting,  
402 investigating and response to bullying, as defined in said section 10-  
403 222d, and the implementation of the school bullying plan, described in  
404 said section 10-222d.

405 (b) No claim for damages shall be made against a student, parent or  
406 guardian of a student or any other individual who reports an act of  
407 bullying, as defined in section 10-222d of the general statutes, as  
408 amended by this act, to a school employee, as defined in said section  
409 10-222d, in accordance with the provisions of the school district  
410 bullying plan described in said section 10-222d, if such individual was  
411 acting in good faith. The immunity provided in this subsection does  
412 not apply to acts or omissions constituting gross, reckless, wilful or  
413 wanton misconduct.

This act shall take effect as follows and shall amend the following sections:
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Section 1	July 1, 2011	10-222d
Sec. 2	July 1, 2011	10-222g
Sec. 3	July 1, 2011	10-222h
Sec. 4	July 1, 2011	New section
Sec. 5	July 1, 2011	10-220a(a)
Sec. 6	July 1, 2011	New section
Sec. 7	July 1, 2011	10-145o(e)(1)
Sec. 8	July 1, 2011	10-145a(d)
Sec. 9	July 1, 2011	New section
Sec. 10	July 1, 2011	New section

**Statement of Legislative Commissioners:**

Replaced "person" with "individual" in section 1(a)(1), section 1(a)(2), section 1(a)(7) and section 10(b) for consistency; included reference to section 10-220a in section 1(b) for proper form; bracketed "staff" and added "employees" in section 1(b) for consistency; clarified language in section 1(d), section 5, section 9(c)(2) and section 9(c)(3) for accuracy and grammar; and deleted "among students" for accuracy and consistency.

**ED**      *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Effect	FY 12 \$	FY 13 \$
Education, Dept.	GF - Cost	110,000	Less than 50,000

Note: GF=General Fund

**Municipal Impact:**

Municipalities	Effect	FY 12 \$	FY 13 \$
Local and Regional School Districts	STATE MANDATE - Cost	less than \$20,000	less than \$20,000

**Explanation**

The bill will result in a cost to the State Department of Education (SDE) of approximately \$110,000 in FY 12 and less than \$50,000 in FY 13, and a municipal cost to local and regional school districts of less than \$20,000 in both FY 12 and FY 13. A section by section explanation is provided below.

**Section 1** of the bill expands the definition of bullying and requires local and regional school districts to adopt safe school climate plans. This is not anticipated to result in a fiscal impact, as districts already have school and district improvement plans, and safe school climate is an essential component of overall school improvement.

**Section 2** makes clarifying changes and is not anticipated to result in a fiscal impact.

**Section 3** requires each school to assess its school climate using assessment instruments, including surveys, created by SDE in collaboration with the Connecticut Association of Schools. The bill

specifies that SDE implement this provision within available appropriations. However, if the bill were to be implemented it is anticipated that developing such assessments will cost SDE up to \$10,000, as such assessments currently do not exist. The \$10,000 will be used to consult with the Connecticut Association of Schools to determine the most appropriate assessment tools and to develop them. It is anticipated that this cost would be one-time in nature.

Additionally, SDE must use the assessments to monitor bullying prevention efforts over time, compare districts' efforts to statewide trends, and provide information to the statewide school climate resource center. The bill specifies that SDE implement this provision within available appropriations. However, if the bill were to be implemented it is anticipated that SDE would require additional resources of up to \$50,000. The additional resources of \$50,000 are needed to: (1) work with stakeholders and experts in the field to develop a guidance document on potential activities that districts can utilize (\$25,000) and (2) to disseminate guidance materials and to advertise for Safe School Climate Awareness Day (\$25,000).

**Section 4** establishes the statewide safe school climate resource network, which will be responsible for identifying, preventing, and educating people about school bullying in Connecticut. The bill specifies that SDE implement this provision within available appropriations. However, if the bill were to be implemented it is anticipated that SDE would require additional resources of up to \$50,000 to contract with various entities to provide the required data collection, analysis of bullying data, and training to school employees. It is anticipated that this cost would be one-time in nature.

**Section 5** makes clarifying changes that are not anticipated to result in a fiscal impact.

**Section 6** requires SDE to provide training to school employees on the prevention, identification, and response to school bullying. Under current law, school districts must offer their certified employees in-service training on the prevention of bullying. The bill expands the

scope of this training to include identifying and responding to bullying, which is not anticipated to result in a fiscal impact.

Additionally, the bill requires SDE to provide annual training to uncertified school employees. This is not anticipated to result in a cost to SDE, as they currently provide no-cost professional development on school bullying and have training DVD's available to disseminate to districts. However, uncertified school employees are not currently required to receive such training and would have to be available to receive this training annually, which could result in an additional cost to local and regional school districts, as most uncertified employees are hourly employees. It is anticipated that this would be a cost to local and regional school districts of less than \$20,000.

**Section 7** requires that beginning teachers receive instruction in preventing, identifying, and responding to school bullying, as part of their training. This is not anticipated to result in a fiscal impact.

**Section 8** requires teacher candidates to complete a component on school violence, bullying, suicide prevention, and conflict resolution as part of their teacher preparation program. This is not anticipated to result in a fiscal impact.

**Section 9** specifies and clarifies current practice and is not anticipated to result in a fiscal impact.

**Section 10** grants immunity to various individuals who report bullying, or various employees who handle incidents of bullying. This is not anticipated to result in a fiscal impact.

### ***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

**OLR Bill Analysis****sSB 1138****AN ACT CONCERNING THE STRENGTHENING OF SCHOOL BULLYING LAWS.****SUMMARY:**

The bill expands the types of conduct that constitute school bullying and the situations where it can occur. It expressly identifies as bullying (1) any targeting of a student based on the student's actual or perceived "differentiating" characteristics, such as race, gender, sexual orientation, or physical appearance and (2) actions taken through electronic communications or devices that otherwise qualify as bullying and are known collectively as "cyberbullying."

The bill (1) makes the school principal responsible for investigating or designating someone to investigate and address bullying whether it occurs in or out-of-school, if it affects the school or students in the school or school district and (2) requires all school employees, not just teachers and administrators, to report bullying incidents they see or that are reported to them to the principal or his or her designee.

It requires schools and school districts to adopt safe school climate plans, rather than policies, to address bullying. It adds to the requirements for such plans that they, among other things, (1) establish deadlines for reporting, investigating, and notifying parents and guardians about bullying incidents; (2) prohibit retaliation against those who report bullying; and (3) require school officials to notify police when they believe bullying conduct constitutes a crime.

The bill requires certified and noncertified employees working in public schools to receive annual training in how to identify, intervene, and prevent bullying among students. It also requires beginning teachers and teacher candidates to complete training on these topics. It

grants immunity to school employees, students, parents, and others against damage claims arising from good faith reports of bullying and responses to bullying.

The bill requires

1. each school to carry out a biennial assessments of its school climate, using instruments disseminated by the State Department of Education (SDE);
2. school superintendents and principals to designate staff members and school committees to be responsible for school climate and responses to bullying in each school and district;
3. SDE to establish a statewide network to provide analysis of, and resources on, school bullying in the state; and
4. SDE to designate an annual day for public schools to promote awareness of the effects of bullying and student tolerance and respect for individual differences.

EFFECTIVE DATE: July 1, 2011

## **DEFINITIONS**

### ***Bullying***

Under current law, bullying consists of overt acts by one or more students that are (1) directed at another student; (2) intended to ridicule, humiliate, or intimidate; and (3) repeated more than once against any student during the school year.

The bill expands the definition to cover written, verbal, and electronic communications; physical acts; and gestures by a student or a group of students directed against another student that

1. causes the student physical or emotional harm or damages his or her property,
2. puts the student in reasonable fear of harm or property damage,

3. creates a hostile school environment for the student,
4. infringes on the student's rights at school, or
5. substantially disrupts the education process or a school's orderly operation.

The bill defines a hostile environment as one in which bullying among students is so severe or pervasive that it alters the school's climate.

Under the bill, to be considered bullying, communications must be repeated, but a single physical act or gesture is bullying if it has one or more of the above-listed effects. The bill specifies that the student against whom the activity is directed must be attending school in the same district as the students engaged in the activity.

### ***Bullying Based on Differentiating Characteristics***

In defining bullying, the bill explicitly includes conduct targeting a student's actual or perceived possession of, or association with others possessing or perceived as possessing, any differentiating characteristic based on race; color; religion; ancestry; national origin; gender; sexual orientation; gender identity and expression; socioeconomic or academic status; physical appearance; or mental, physical, developmental, or sensory disability.

### ***Cyberbullying***

The bill expands bullying to include cyberbullying, which it defines as acts of bullying carried out through mobile electronic devices or other electronic communications, the Internet, interactive and digital technologies, or cell phones.

Under the bill, an electronic communication is any transfer of signs, signals, writing, sound, pictures, data, or other intelligence wholly or partly by wire, radio, electromagnetic, photoelectronic, or photo-optical system. A mobile electronic device is any portable device that can send data between or among users. Examples include text

messaging and paging devices, personal digital assistants, laptops, video gaming devices, digital video disk players, and digital cameras.

### ***School Employees***

The bill expands the responsibilities of school employees, other than teachers and school administrators, to respond to school bullying incidents. It also requires annual training for all school employees.

Under the bill, a school employee is anyone who is (1) employed by a local or regional board of education or works in a public school as a teacher, substitute teacher, school administrator, school superintendent, guidance counselor, psychologist, social worker, nurse, physician, school paraprofessional, or coach or (2) a school board contractor who provides services to or on behalf of students in a public school and whose duties involve regular student contact.

### **SCHOOL DISTRICT SAFE SCHOOL CLIMATE PLANS**

Current law requires each local and regional board of education to develop and implement a policy to address bullying in its schools. The bill adds several required elements and rechristens the required policies as “safe school climate plans.”

### ***Prohibited Conduct***

The bill requires district plans to prohibit bullying both in and outside of school. Schools must address bullying taking place (1) at a school-sponsored or school-related activity either on or off school grounds; (2) at a school bus stop; (3) on a school bus or any other vehicle the school board owns, leases, or uses; or (4) through an electronic device the school board owns, leases, or uses. Schools must also address bullying that occurs outside these locations if: (1) it creates a hostile environment for a student at school, (2) infringes on a student’s rights at school, or (3) substantially disrupts the education process or the school’s orderly operation.

Under current law, school bullying policies may, but are not required to, address bullying outside of school if it has a direct, negative effect on a student’s academic performance or safety at

school.

### ***Reports, Investigations, and Meeting with Parents***

District plans must establish a timetable for filing reports of, investigating, and holding meetings with involved parents regarding, bullying incidents and notifying them of actions taken to prevent further incidents. It assigns the responsibility for receiving and investigating reports to a safe school climate specialist in the school, who must be either the school's principal or his or her designee (see below).

Under current law, school district policies must enable students to report bullying incidents anonymously to teachers and school administrators and to be notified every year of the process for making the reports. This bill requires plans to (1) enable students to make such reports to any school employee and (2) require students' parents and guardians, as well as the students themselves, to be notified every year of the reporting process. (The bill is unclear if it allows parents or guardians to also make anonymous reports.)

The bill requires a school employee who witnesses bullying or receives a report of bullying to notify either the school climate specialist or, if that person is not available, another school administrator, orally within one school day. The employee must follow up with a written report within two school days after providing oral notice. Under current law, the notice to the school administrator must be in writing and there is no deadline for sending the notice.

The bill requires the specialist, rather than any school administrator, to investigate, or supervise an investigation of, the report. The investigation must be completed within 10 school days after the specialist receives the written report. It also requires the specialist to review any anonymous reports.

As under current law, the school must (1) notify both the parents of a student who commits a verified act of bullying and those of the target of the activity and (2) invite them to a meeting. The bill requires

that the notice occur within 48 hours after, and the invitation to the meeting within 10 days after, completing the investigation. (It is not clear if the 10-day deadline applies to the invitation to the meeting or holding the meeting.)

Under current law, the notice to parents must describe the school's response to the incident and the consequence for further bullying. The bill requires this information to also be included in the meeting invitation. At the meeting, the bill requires the school to describe to the parents the measures it is taking to ensure the student's (presumably the targeted student) safety and prevent further bullying.

Under current law, schools must hold at least one meeting with parents, but there is no deadline for doing so and no specified content for the meeting.

### ***Other Plan Requirements***

The bill also requires the district plan to:

1. prohibit retaliation or discrimination against those who report or help investigate bullying,
2. prohibit perpetuation or continued bullying through dissemination of hurtful or demeaning material about a student by other students (presumably students other than the bully), and
3. require a school principal or his or her designee to notify the police when they suspect that an act of bullying constitutes a crime.

### ***Records***

In addition to existing requirements for each school to maintain a publicly available list of the number of verified bullying incidents, the bill requires district plans to establish procedures for schools to document and maintain records of bullying investigations. The bill continues to require schools to report annually to the SDE the number

of verified bullying incidents at the school, but eliminates the proviso that it be done within available appropriations. The bill specifies that the reports are for the purposes of the statewide safe school climate resource network the bill establishes (see below).

### ***Adoption, Posting, and Submission to SDE***

The bill requires school boards to approve their plans by January 1, 2012 and submit them to SDE. It also requires school boards, within 30 calendar days after adopting their plans, to post them on the board's and each school's website.

Boards must also provide all school employees with a written or electronic copy of the plan at the start of each school year.

### **TRAINING REQUIREMENTS FOR TEACHERS AND OTHER SCHOOL EMPLOYEES**

The bill requires all school employees, not just those who are certified, to complete annual training on identifying, preventing, and responding to school bullying. It also requires beginning teachers and those participating in teacher preparation programs to receive such training.

#### ***In-Service Training for Certified Employees***

Under current law, school districts must offer their certified employees in-service training on the prevention of bullying. The bill expands the scope of this training to include identifying and responding to bullying.

Under current law, districts are not required to offer in-service training regarding bullying if they implement an evidence-based model approach to the problem. This bill preserves the existing exception, but only if the model approach is approved by SDE.

#### ***Training for Noncertified School Employees***

The bill requires SDE, within available appropriations, to provide annual training to noncertified school employees. The training may include (1) developmentally appropriate methods to prevent and

effectively intervene to stop bullying; (2) information about the relationship and interaction among bullies, targets, and witnesses; (3) research findings, including types of students who are at-risk of being bullied in school; (4) information about cyberbullying; or (5) Internet safety.

Required training can be presented in various ways, including in person via mentors, online, or through statewide workshops.

### ***Training for Beginning Teachers***

By law, teachers holding initial (first-level) certificates must complete a two-year Teacher Education and Mentoring (TEAM) program that requires them to complete five training modules, one of which deals with classroom management and climate. This bill requires that module to include training in preventing, identifying, and responding to school bullying.

### ***Teacher Preparation Programs***

The bill requires, rather than encourages, teacher candidates to complete a component on school violence, bullying, suicide prevention, and conflict resolution as part of their teacher preparation program.

## **IMMUNITY FOR SCHOOL EMPLOYEES AND OTHERS**

### ***School Employees***

The bill gives school employees immunity against claims for damages or injuries caused when they report, investigate, or respond to bullying incidents. The employees must be acting within the scope of their employment as related to bullying among students and implementing the school district safe school climate plan. Immunity does not cover wanton, reckless, or malicious actions.

By law, school boards must already indemnify their teachers, school employees, and certain volunteers against financial loss and expense resulting from damage claims for actions taken in the course of their duties that are not wanton, reckless, or malicious. Indemnification,

unlike immunity, still allows a claim to proceed.

### ***Parents, Students, and Others***

The bill also grants immunity for good faith reports of bullying incidents by parents, students, and others to a school employee. Immunity does not cover gross, reckless, wanton, or willful misconduct.

### **SCHOOL CLIMATE ASSESSMENTS**

Every two years, starting July 1, 2012, the bill requires each school to assess its school climate using assessment instruments, including surveys, created by SDE in collaboration with the Connecticut Association of Schools. Under the bill, “school climate” encompasses the character of an entire school and the quality of the relationships among and between its students and adults.

Districts must collect and report the school assessments to SDE. SDE must use the assessments to monitor bullying prevention efforts over time, compare districts’ efforts to statewide trends, and provide information to the statewide school climate resource center the bill establishes (see below).

Under current law, SDE had to report to the Education and Children’s committees by February 1, 2010 on its school climate improvement and anti-bullying efforts and recommend additional activities and funding to enhance them. This bill makes the report biennial and adds a requirement that it include the number of verified acts of bullying in the state and an analysis of school district responses. It eliminates requirements that SDE analyze school districts’ bullying policies and examine the relationship between bullying, school climate, and student outcomes.

### **SAFE SCHOOL CLIMATE COORDINATORS, SPECIALISTS, AND COMMITTEES**

The bill establishes a hierarchy of people within schools and school districts and makes them responsible for developing and implementing the safe school climate plans, biennial school climate

assessments, and the bill's reporting requirements.

### ***Safe School Climate Coordinator***

Starting with the 2012-13 school year, the bill requires each school superintendent to appoint a safe school climate coordinator from existing school staff. The coordinator must

1. implement the safe school climate plan;
2. collaborate with safe school climate specialists (see below), the school board, and the school superintendent to prevent, identify, and respond to bullying in district schools;
3. in collaboration with the superintendent, provide data and information derived from the safe school climate assessments to SDE; and
4. meet with the school specialists at least twice during the school year to discuss bullying issues in the district and recommend changes in the district's plan.

### ***Safe School Climate Specialist***

Starting with the 2012-13 school year, the bill requires each school principal to serve, or designate someone to serve, as the safe school climate specialist for the school. Specialists must (1) investigate bullying reports according to the district's safe school climate plan; (2) collect and maintain records of the school's bullying reports and investigations; and (3) be the primary person responsible for preventing, identifying, and responding to bullying reports in the school.

### ***Safe School Climate Committee***

Starting with the 2012-13 school year, the bill requires each school to have at least one committee that is responsible for fostering a safe school climate and addressing school bullying. The committee must include at least one parent of a school student, appointed by the principal.

The committee must:

1. receive copies of completed bullying investigation reports;
2. identify and address bullying patterns;
3. review and amend school bullying policies;
4. review the district plan and make recommendations to the district coordinator based on issues at the school;
5. educate students, parents, and others about bullying;
6. collaborate with the district coordinator to collect data on bullying; and
7. perform other related duties as the principal determines.

The bill excludes parent members from the first two activities and from any other committee activities that may compromise student confidentiality.

### **STATEWIDE SAFE SCHOOL CLIMATE RESOURCE NETWORK**

The bill requires SDE to consult with the State Education Resource Center, the Governor's Prevention Partnership, and the Commission on Children to establish a statewide safe school resource network for identifying, preventing, and educating people about school bullying in Connecticut. The network must (1) collect and analyze data on bullying provided through school district plans and school climate assessments, (2) provide training to noncertified school employees as required by the bill, and (3) provide safe school climate resource material to school boards.

SDE must establish the network within available appropriations and may seek state, municipal, and federal funds and accept private funds to administer the network.

### **ALLOWABLE BULLYING PREVENTION STRATEGIES**

The bill adds student peer training, education, and support to the

existing prevention and intervention strategies districts may already use to address bullying. It also eliminates school surveys and establishment of bullying prevention teams from these optional strategies.

**SAFE SCHOOL CLIMATE AWARENESS DAY**

The bill requires SDE to designate the first Wednesday in October annually as Safe School Climate Awareness Day. It requires suitable observances in all public schools to (1) increase public awareness of the effects of bullying, (2) encourage students to avoid hurtful names, and (3) promote tolerance and respect for differences.

**BACKGROUND**

***Related Bill***

sHB 6053, reported favorably by the Human Services Committee, makes acts of dating violence between students a form of school bullying.

**COMMITTEE ACTION**

Education Committee

Joint Favorable Substitute

Yea 30 Nay 0 (03/23/2011)