



General Assembly

Substitute Bill No. 1138

January Session, 2011

* _____SB01138ED_____032411_____*

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 Section 10-222d of the general statutes is repealed and the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:		
Section 1	<i>July 1, 2011</i>	10-222d
Sec. 2	<i>July 1, 2011</i>	10-222g
Sec. 3	<i>July 1, 2011</i>	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.*