

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 11-232—sSB 1138

Education Committee

Judiciary Committee

Appropriations Committee

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

SUMMARY: This act 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 act (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 act requires certified and noncertified employees, as well as certain contractors, working in public schools to receive annual training in how to identify, intervene, and prevent bullying and suicide among students. It also requires beginning teachers and teacher candidates to complete training on these topics. It grants immunity to school boards, school employees, students, parents, and others against damage claims arising from good faith reports of bullying and responses to bullying in accordance with a district's safe school climate plan.

The act requires:

1. each school to carry out a biennial assessment 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; and
3. SDE to establish a statewide network to provide resources, materials, and training on school bullying to school districts in the state.

EFFECTIVE DATE: July 1, 2011

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DEFINITIONS

Bullying

Under prior law, “bullying” consisted only 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 act expands this definition to cover (1) repeated written, oral, and electronic communications by one or more students directed at or referring to another student and (2) physical acts and gestures by one or more students that are repeatedly directed against another student and that:

1. cause the student physical or emotional harm or damage his or her property,
2. put the student in reasonable fear of harm or property damage,
3. create a hostile school environment for the student,
4. infringe on the student’s rights at school, or
5. substantially disrupt the education process or a school’s orderly operation.

The act defines a “hostile environment” as one in which bullying among students is so severe or pervasive that it alters the school’s climate. It also specifies that the student against whom the bullying is directed must be attending school in the same district as the students engaged in the bullying.

Bullying Based on Differentiating Characteristics

In defining bullying, the act 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 or expression; socioeconomic or academic status; physical appearance; or mental, physical, developmental, or sensory disability.

Cyberbullying

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

Under the act, an “electronic communication” is any transfer of signs, signals, writing, sounds, images, data, or other intelligence wholly or partly by wire; a radio; or an 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 (DVD) players, and digital cameras.

School Employees

The act 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.

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Under the act, a school employee is anyone who (1) is 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) provides services to or on behalf of students in a public school under a contract with the school board and whose duties involve regular student contact.

SCHOOL DISTRICT SAFE SCHOOL CLIMATE PLANS

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

Prohibited Conduct

The act 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 it: (1) 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 prior law, school bullying policies could, but were not required to, address bullying outside of school but only if it had a direct, negative effect on a student’s academic performance or safety at school.

Reports, Investigations, and Meeting with Parents

District plans must establish certain deadlines for (1) filing reports of, investigating, and holding meetings with involved parents regarding, bullying incidents and (2) notifying parents of actions taken to prevent further incidents. The act eliminates a requirement that a school district’s bullying policy identify appropriate school personnel responsible for taking and investigating reports of bullying. Instead, it assigns the responsibility for these duties to a safe school climate specialist in the school, who must be either the school’s principal or his or her designee (see below).

Reports. Under prior law, school district policies had to allow students to report bullying incidents anonymously to teachers and school administrators and notify students every year of the process for making the reports. The act 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 process by which students may make such reports.

The act 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

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providing oral notice. Under prior law, the notice to the school administrator had to be in writing and there was no deadline for sending it in.

Investigations. The act requires the specialist, rather than any school administrator, to investigate, or supervise an investigation of, the report. After the specialist receives the written report, he or she must complete the investigation promptly. The specialist must also review any anonymous reports.

Notice to and Meetings with Parents. As under prior 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 act requires the school to notify parents within 48 hours after completing the investigation. Existing law requires the notice to parents to describe the school's response to the incident and the consequences for further bullying. The act requires this information to also be included in the meeting invitation. At the meeting, the act requires the school to describe to the parents the measures it is taking to ensure the targeted student's safety and prevent further bullying.

Other Plan Requirements

The act also requires the district plan to:

1. prohibit retaliation or discrimination against those who report or help investigate bullying,
2. develop plans addressing what the school will do to protect the targeted student from further bullying, 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.

Model Plans

Prior law required SDE to develop model policies for school districts to use to address bullying in kindergarten through grade 12. The act instead requires SDE to develop or recommend a single safe school climate plan to districts for grades K-12.

Records

In addition to existing requirements for each school to maintain a publicly available list of the number of verified bullying incidents, the act requires district plans to establish procedures for schools to document and maintain records of bullying investigations. It 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.

Adoption, Posting, and Submission to SDE

The act 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.

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TRAINING REQUIREMENTS FOR TEACHERS AND OTHER SCHOOL EMPLOYEES

The act requires all school employees, not just those who are certified, to complete annual training on (1) identifying, preventing, and responding to school bullying and (2) preventing and responding to youth suicide. It also requires beginning teachers and those participating in teacher preparation programs to receive such training.

In-Service Training for Certified Employees

Under prior law, school districts had to offer their certified employees in-service training on bullying prevention. The act expands the scope of this training to include identifying and responding to bullying and preventing and responding to youth suicide.

Under prior law, districts were not required to offer in-service training regarding bullying if they implemented an evidence-based model approach to the problems. The act preserves the existing exception, but only if the model approach is approved by SDE.

Training for Noncertified School Employees

The act 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 Internet safety as it relates to cyberbullying; or (5) information on the incidence of youth suicide, how to identify at-risk students, and strategies for effectively intervening to prevent it.

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. The act requires that module to include training in preventing, identifying, and responding to school bullying and preventing and responding to youth suicide.

Teacher Preparation Programs

The act 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.

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IMMUNITY FOR SCHOOL EMPLOYEES, BOARDS OF EDUCATION, AND OTHERS

The act bars damage claims against school employees who, in accordance with a school district safe school climate plan, report, investigate, or respond to bullying. It extends the same protection to:

1. a local or regional board of education that implements a safe school climate plan and reports, investigates, or responds to bullying and
2. parents, students, and others who report bullying incidents to a school employee according to a safe school climate plan.

To be immune, these parties must act in good faith and, in the case of a school employee or board of education, within the scope of their duties. The immunity does not cover gross, wanton, reckless, or willful misconduct.

By law, school boards must already indemnify their members, 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.

SCHOOL CLIMATE ASSESSMENTS

Every two years, starting July 1, 2012, the act requires each school to assess its school climate using assessment instruments, including surveys, approved and disseminated by SDE in collaboration with the Connecticut Association of Schools. Under the act, “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 and compare districts’ efforts to statewide trends.

Under prior 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. The act 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 act establishes a hierarchy of people within schools and school districts to be responsible for developing and implementing the safe school climate plans, biennial school climate assessments, and the act’s reporting requirements.

District Safe School Climate Coordinator

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Starting with the 2012-13 school year, the act requires each school superintendent to appoint a district safe school climate coordinator from existing 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 act 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 act requires each school principal to establish or designate at least one new or existing committee to be responsible for fostering a safe school climate and addressing school bullying. The committee must include at least one parent or guardian 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 act 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 act 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 make resources, information, and training materials available to schools to improve

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their climate and reduce bullying. 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 act adds student peer training, education, and support to the existing prevention and intervention strategies districts may use to address bullying. It also eliminates school surveys and establishment of bullying prevention teams from these optional strategies.

OLR Tracking: JSL:JK:PF:ts