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## **OLR Bill Analysis**

### **sHB 7215**

#### ***AN ACT CONCERNING SCHOOL CLIMATES.***

#### **SUMMARY**

This bill makes numerous changes to the laws related to school bullying and safe school climate. Principally, it:

1. establishes an eight-member Social and Emotional Learning and School Climate Advisory Council and tasks it with, among other things, monitoring school climate improvement efforts in the state;
2. modifies the definition of bullying by, among other things, eliminating the requirement that the action occur between students;
3. extends the bullying reporting requirements that apply to school employees to also apply to school volunteers;
4. requires local and regional boards of education (school boards) to develop and implement safe school climate policies instead of safe school climate plans as under current law, and makes numerous modifications to the information that must be included in them;
5. modifies how school boards must annually conduct school climate assessments and requires the boards to provide school administrators with training materials on preventing and intervening in student intimidation and harassment;
6. eliminates a requirement that school principals establish or designate a committee to develop a safe school climate and address bullying issues and instead permits each school board to establish a social and emotional learning and school climate

council;

7. requires SDE to (a) document school districts' best practices for fostering a safe school climate, (b) recommend model safe and positive school climate policies for districts and post such a policy on its website, and (c) develop a social and emotional learning assessment instrument to measure individual student attainment of such competencies;
8. modifies the responsibilities for district safe school climate coordinators and renames safe school climate specialists as safe school climate coordinators; and
9. makes numerous minor, technical, and conforming changes.

EFFECTIVE DATE: July 1, 2019; except the provisions related to school district best practices, school employee training, safe school climate coordinators, school climate councils, and the model safe school climate policy are effective July 1, 2020; and the provision establishing the social and emotional learning and school climate advisory council is effective upon passage.

#### **§§ 1 & 2 — SOCIAL AND EMOTIONAL LEARNING AND SCHOOL CLIMATE ADVISORY COUNCIL**

The bill establishes an eight-member Social and Emotional Learning and School Climate Advisory Council.

The council is tasked with:

1. monitoring school climate improvement efforts in the state;
2. identifying best practices for promoting positive school climates;
3. identifying and pursuing resources to educate school boards on fostering positive school climates and social and emotional learning in schools; and
4. performing any other research on social and emotional learning and fostering positive school climates that the council deems

appropriate.

**Definitions**

Under the bill, a “school climate” means the quality and character of school life based on patterns of students’, parents’, and school employees’ experiences, including norms, goals, values, interpersonal relationships, teaching and learning practices, and organizational structures. Currently, school climate means the quality and character of school life with a particular focus on the quality of the relationships within the school community between and among students and adults.

A “positive school climate” is a school climate that:

1. promotes norms, values, expectations, and beliefs that support feeling socially, emotionally, and physically safe;
2. causes students, their families, and school employees to feel engaged and respected and to work together to develop and contribute to a shared school vision;
3. encourages educators to model and nurture attitudes that emphasize learning’s benefits and satisfaction; and
4. allows for each person to contribute to the school’s operation and care of the school’s physical environment.

“Social and emotional learning” means the process through which people achieve emotional intelligence through competencies such as self-awareness, self-management, social awareness, relationship skills, and reasonable decision-making.

“Emotional intelligence” means a person’s ability to:

1. perceive or recognize and manage his or her emotions and those of others;
2. use emotions to facilitate cognitive activities including reasoning, problem solving, and interpersonal communication; and

3. understand and label emotions.

### **Membership**

The advisory council members include the SDE commissioner and the commission on women, children, and seniors (CWCS) executive director, or their designees, and one representative each from:

1. the Connecticut Association of Boards of Education;
2. the Connecticut Association of Public School Superintendents;
3. the Connecticut Association of Schools;
4. the American Federation of Teachers – Connecticut;
5. the Connecticut Education Association; and
6. the Connecticut Association of School Administrators.

Appointments to the council must be made within 30 days of the bill's passage and the council must hold its first meeting within 60 days after passage.

The council members must elect a chairperson from among the members and the CWCS administrative staff must serve as the council's administrative staff. The appointing authorities must fill any vacancies.

The council must begin annually reporting to the Children's and Education committees by January 1, 2020.

### **§ 2 – BULLYING DEFINITION**

The bill modifies the definition of "bullying" to mean a determination that aggressive behavior or intentional harm doing was direct or indirect; severe, persistent, or pervasive; and characterized by an imbalance of power. For these purposes:

1. an "imbalance of power" is a disparity between individuals with respect to social status or relative physical size or created because a group directed aggressive behavior or intentional

harm-doing at an individual and

2. “aggressive behavior or intentional harm doing” means an act that (a) causes physical or emotional harm to an individual or damage to his or her property; (b) places an individual in reasonable fear of harm or property damage; (c) creates a hostile school environment for an individual; or (d) infringes on an individual’s rights and opportunities at school.

Currently, bullying is one or more students’ repeated use of a written, oral, or electronic communication directed at or referring to a student in the same school district, or a physical act or gesture repeatedly directed at another student in the district, that (1) leads to any of the outcomes listed above under “aggressive behavior or intentional harm doing” or (2) substantially disrupts the school’s education process or orderly operation.

Currently, bullying includes written, oral, or electronic communication or a physical act or gesture on the basis of having, or associating with individuals who have, certain actual or perceived characteristics (e.g., race, gender, or disability). Under the bill, bullying instead includes aggressive behavior or intentional harm-doing on the basis of such characteristics or associations.

By broadening the definition of bullying, the bill also broadens the definition of cyberbullying which, as under current law, is bullying through the internet, mobile electronic devices, or any electronic communications.

## **§§ 2, 6, & 11 — SAFE SCHOOL CLIMATE POLICY**

The bill requires school boards to develop and implement a safe school climate policy, instead of a safe school climate plan, to address bullying and teen dating violence as required under current law.

The policy must include certain provisions regarding aggressive behavior or intentional harm doing that are similar to provisions regarding bullying that are currently required for the school climate plans, such as provisions on reporting and investigating such

incidents.

The bill requires the policy to promote preventing and intervening in aggressive behavior or intentional harm-doing and fostering a positive school climate by using model school climate standards such as the National School Climate Center's standards.

The bill permits school boards to accept private donations for purposes related to these policies or for the school climate assessments discussed below.

### ***School Employee***

The bill broadens the definition of school employee for certain safe school climate purposes to include a volunteer who, in performing his or her duties, has regular contact with students and provides services to, or on behalf of, students enrolled in a public, elementary, middle, or high school. As under current law, school employees for these purposes also include teachers and various other professionals employed by a school board or working in a public school and any other school board-contracted individuals who, in performing their duties, have regular contact with or provide services to, or on behalf of students.

By broadening this definition of "school employee" to include volunteers, the bill:

1. requires schools to provide an orientation on their safety and security policy to school volunteers;
2. requires SDE, within available appropriations, to provide annual training to school volunteers on preventing, identifying, and responding to bullying and teen dating violence and preventing teen suicide; and
3. requires volunteers to report certain bullying behaviors to the school safe climate coordinator and generally provides immunity from damages for reporting, investigating, or responding to bullying or teen dating violence.

Each of the above requirements and immunities already apply to other school employees.

### ***Prevention Strategies***

Under the bill, each school board's policy must include prevention strategies for bullying and teen dating violence in schools. The bill sets out several permissible strategies, many of which are similar to the strategies permitted for the safe school climate plans under current law.

The bill additionally allows the policies to include strategies that adopt evidence-based, data-driven systems for assessing, implementing, and continuously improving culturally competent, restorative, social, and emotional learning in consultation with, or on the recommendation of, SDE.

### ***Notice Requirements***

The bill modifies current law's notice requirements to parents and guardians and law enforcement regarding incidents of bullying.

***Parents and Guardians.*** The policy must require the safe school climate specialist or his or her designee, in consultation with a school employee who witnesses or receives a report of a student's aggressive behavior or intentional harm-doing, to notify the:

1. parents or guardians of the child subjected to bullying of the measures the school is taking to ensure the student's safety and the policies and procedures in place at the school to prevent further bullying and
2. parents or guardians of the child who engaged in bullying of specific interventions the school has undertaken or that are in progress to prevent further bullying.

This notice is similar to the notice requirements under current law and, as currently required, must be provided within 48 hours after completion of the investigation.

The bill eliminates a requirement that the school invite those parents or guardians to attend separate meetings at the school to discuss measures and interventions the school is taking to prevent further bullying.

**Law Enforcement.** The school climate plan under current law must require school principals or their designees to notify the appropriate law enforcement agency when they believe that an act of bullying constitutes criminal conduct. The bill eliminates this requirement but specifies that it does not prevent principals or their designees from notifying law enforcement if they believe that an act of bullying, aggressive behavior, or intentional harm-doing constitutes criminal conduct.

### ***Bullying Interventions***

The school climate plan under current law must direct the development of case-by-case interventions, which may include both counseling and discipline, for addressing repeated bullying incidents against a single individual or recurrent bullying by the same individual.

The policy under the bill must instead direct the development of case-by-case interventions to address bullying against a single individual, bullying incidents by the same individual and, at the safe school climate specialist's discretion, aggressive behavior or intentional harm-doing by the same individual that may not rise to the level of bullying. These interventions may include restorative, equity-based, trauma- and bias-informed, culturally competent interventions for students who engaged in bullying, students who have been bullied, parents and guardians, and school employees.

### ***Publication***

Current law required school boards to submit their school climate plans to SDE for review and approval by September 1, 2014. The bill instead requires the boards to submit their policies to SDE for review by January 1, 2020 if not previously reviewed, but eliminates the approval requirement. (The bill also repeals the law that lays out the

review process.) As is currently required for school climate plans, the board must make the policies available on its website (though not on each school's website as is currently required for the climate plans) and include them in all student handbooks and school rules, procedures, and standards of conduct it publishes. Additionally, the bill requires school boards to include the policies in the school employee manuals.

### ***Review Process***

The bill eliminates the process in current law by which SDE receives and reviews school climate plans, but does not establish a review process for the school climate policies the bill requires. It also eliminates requirements that SDE make available on its website approved safe school climate plans and information about the status of towns without such plans. Instead, it requires SDE, in consultation with school boards, to make available on its website a model safe school climate policy.

## **§§ 2 & 7 — OTHER SCHOOL BOARD REQUIREMENTS**

### ***School Climate Assessment***

Currently, school boards are required to have each school in their district biennially complete a school climate assessment using SDE-approved instruments, which include student surveys and allow students to complete the assessment and surveys anonymously. The bill eliminates the requirement that the assessment instruments be approved by SDE and instead sets standards for such instruments that are similar to the information that must be included in SDE-approved instruments under current law.

The bill also eliminates requirements that (1) SDE, within available appropriations, disseminate grade-level appropriate school climate assessment instruments to all public schools and (2) the school boards collect the assessments and submit them to SDE.

### ***School Administrator Training Materials***

The bill requires each school board, in consultation with SDE, to provide training materials to school administrators on preventing and intervening in discrimination against, and targeted harassment of,

students based on their:

1. actual or perceived differentiating characteristics, such as 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; or
2. association with individuals or groups who have or are perceived to have one or more of those characteristics.

Under the bill, the materials or information may be delivered in collaboration with one or more organizations that offer training on identifying, preventing, and intervening in discrimination, including the Commission on Human Rights and Opportunities.

#### **§ 5 — SOCIAL AND EMOTIONAL LEARNING AND SCHOOL CLIMATE COUNCIL**

The bill eliminates a requirement that each school principal annually establish or designate a committee responsible for developing and fostering a safe school climate and addressing bullying issues in the school. The bill also eliminates the responsibilities assigned to the committees under current law, such as reviewing, identifying, and addressing school bullying patterns.

Instead, the bill permits each school board to annually establish a social and emotional learning and school climate council. The council members must work in, attend, or otherwise be affiliated with a school under the board's jurisdiction and must include a school administrator, parent or guardian, teacher, student, and community member. If established, such a council must do the following, in consultation with the district safe school climate coordinator:

1. monitor school climate improvement efforts;
2. identify patterns of aggressive behavior or intentional harm doing among students;
3. identify best practices for promoting a positive school climate;

4. identify and pursue resources to educate students, their parents and guardians, school employees, and the community on issues related to fostering a positive school climate and social and emotional learning in schools; and
5. perform any other duties as the board determines that are related to preventing and intervening in aggressive behavior or intentional harm-doing and fostering a positive school climate in the district.

## **§§ 2, 3, 4 — SDE REQUIREMENTS**

### ***Best Practices***

The bill requires SDE, within available appropriations, to document school districts' best practices for fostering a positive school climate and recommend model safe and positive school climate policies for school districts.

### ***School Employee Training***

Existing law requires SDE, within available appropriations, to provide annual training to non-certified staff and certified staff who are safe school climate specialists or coordinators on preventing, identifying, and responding to school bullying and teen dating violence and preventing and responding to youth suicide. The bill specifies that the training must be culturally competent and bias-informed and focus on restorative practices and the social and emotional learning competencies, including self-awareness, self-management, social awareness, relationship skills, and responsible decision making and evidence-based tools to develop those competencies. It also makes minor changes to some of the other required training components.

Currently, the training may be presented in person by mentors, offered in state-wide workshops, or through on-line courses. The bill additionally permits the training to be conducted in a training-of-trainers model.

### ***Social and Emotional Learning Assessment Instrument***

The bill requires SDE, in consultation with local, state and national experts on social and emotional skills assessment and development and, within available appropriations, to develop a social and emotional learning assessment instrument to measure individual student attainment of the social and emotional learning competencies. The instrument must:

1. measure intrapersonal and interpersonal competencies,
2. be age and grade level appropriate for children in preschool through grade 12,
3. include measures to ensure implementation is feasible, and
4. assess what children know and are able to do (presumably in regards to social and emotional skills).

The instrument cannot be used to evaluate problem behaviors or students for behavioral or emotional problems.

#### ***Annual Report Requirement***

The bill eliminates a requirement that SDE annually report to the Children's and Education committees and legislative leaders on various matters, including bullying data and the department's efforts to address bullying and improve school climate.

#### **§ 5 — SAFE SCHOOL CLIMATE COORDINATORS**

By law, each school superintendent must annually appoint a district safe school climate coordinator from among existing school district staff. Starting July 1, 2020, the bill makes the coordinator responsible for implementing the safe school climate policy, instead of the safe school climate plan as required under current law. It also requires the coordinator to collaborate with any social and emotional learning and school climate council the school board establishes. The bill also eliminates requirements that the coordinator provide bullying data to SDE and meet with the safe school climate specialists at least twice each school year to discuss bullying issues in the district.

Currently, each school principal or his or her designee must serve as the school's safe school climate specialist. The bill renames the specialist role as safe school climate coordinator starting July 1, 2020 and requires the individual to lead the school's efforts to establish a positive school climate, instead of act as the primary school official responsible for preventing, identifying, and responding to reported school bullying as required under current law. The bill also makes other minor changes to the coordinator's responsibilities to conform to other changes in the bill.

**COMMITTEE ACTION**

Committee on Children

Joint Favorable Substitute

Yea 14 Nay 0 (03/07/2019)