

Testimony of Special Education Equity for Kids in Connecticut (SEEK)
Before Committee on Children on H.B. 5145
February 18, 2020

Thank you for the opportunity to testify on House Bill 5145. This testimony is on behalf of Special Education Equity for Kids in Connecticut or SEEK-CT. SEEK is a statewide organization of parents, providers, advocates and attorneys working to protect and enhance the rights of students with disabilities and their parents. We appreciate the opportunity to appear before this committee.

Simply stated, Connecticut's current law on bullying is far more positive and enlightened than the dominant paradigm throughout the State. Many school administrators remain focused on punishing the behavior. Consequences would be fine if they were effective. But excluding misbehaving children – through suspension and expulsion – merely exacerbates the inappropriate behavior, in many cases. At the same time, school administrators are frequently loath to characterize any conduct as bullying, preferring to minimize it as teasing or horseplay. And, for many, restorative justice means a half-hearted apology from the bully.

Students with disabilities, whether identified for special education or not, are disproportionately both the victims of bullying and the perpetrators of bullying; not infrequently, the same student is both. We need to create school climates of safety and compassion. This means focusing on the need that the child expresses through bullying. And it means focusing on the pain suffered by the child who is bullied. It does not mean sweeping it under the rug.

The Social and Emotional Learning Collaborative is at work identifying initiatives that work, drafting a model school climate policy, and encouraging districts and schools to adopt positive safe school policies that focus on restorative justice rather than punishment, that address student needs before they manifest in maladaptive behavior. Promoting social and emotional

learning is not enough, however. We need to take steps to compel school districts and school administrators to abandon counterproductive policies of punishment and exclusion. And we need to make Social Emotional Learning a critical part of the teacher education curriculum and the standard operating modality for schools throughout the state. We must train teachers and administrators in how to mediate disputes, taking into account the serious power imbalances that may exist.

HB 5145 seeks to eliminate the requirement that local school boards report incidents of bullying to the State Department of Education. We in SEEK like data. It gives us evidence of what is working and what is not. In Connecticut, we compel local school districts to report to the State on bullying, on restraints and seclusions, on referrals to the police, on expulsions and suspensions. Reporting leads to the publication of data. The more incidents the school board reports -- whether they are of bullying or of restraint and seclusion or of exclusion -- the worse the reputational damage to the school district. The result has been that school officials frequently refuse to characterize as bullying behavior that is clearly bullying. The same is true for restraint and seclusion and for exclusion. So, the reports have not been accurate or reliable. Worse, however, in the case of bullying, is that, by failing to characterize certain behaviors as bullying, schools have failed to take the sort of actions that were appropriate and that are mandated by the statute.

The answer, of course, is not eliminating the reporting requirement. The answer is to make the reporting meaningful and consistent across districts. Today, this Committee is considering eliminating the reporting requirement on bullying. Is reporting on restraint and seclusion next? SEEK sees no valid reason to repeal the reporting to the State Department of Education of incidents of bullying. For that reason, we oppose House Bill 5145.

The appropriate action for school administrators to take in many cases of harassment, teasing, bullying and the like is talking, listening, understanding. Victim/offender mediation conducted by trained mediators, peace-making circles, making honest amends are all effective approaches. Certainly, there are mean perpetrators and severely harmed victims. But we don't make mean kids less mean by suspending or expelling them and we don't mediate the damage to the victim by harming the perpetrator. Indeed, it is almost a cliché that bullied children become bullies. Embarrassing the bully or excluding the bully serves to perpetuate the behavior.

Being bullied, teased, and abused remains a major issue for students with disabilities. Creating a safe school climate through social emotional learning and restorative justice is the answer. Some schools are moving in that direction, but more needs to be done to force this approach throughout the system. We need to add to the teacher education curriculum, we need to compel districts to adopt SEL programs, we need to train mediators, we need to dramatically reduce expulsions, out-of-school suspensions, and the use of school resource officers for in-school discipline. Further, both students who bully and students who are the victims of persistent bullying need to be evaluated for eligibility for special education. Bullies often have an emotional disturbance that can be remediated through special education services. Victims can acquire emotional disturbances by being bullied.

There is another issue that needs to be addressed. Parents who believe their child has been bullied are frequently frustrated by their inability to get any meaningful information about the investigation and the actions taken as a result. All too often, these parents mistakenly think that severely punishing the bully will somehow benefit their child. Still, consistent with the protection of student privacy, we need to find a way to communicate to parents in a way that builds confidence that their child will in a safe and loving environment.