

BULLYING & HARASSMENT

IN CONNECTICUT

A GUIDE FOR PARENTS
AND GUARDIANS

Q&A: About the Law

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Q. I have heard that Connecticut has an anti-bullying law. Is this true?

A. Yes, in July 2002, the Connecticut legislature passed a law, Connecticut General Statutes Section 10-222d (C.G.S. 10-222d) directing all public school districts to develop and implement a bullying policy. Such policies were originally required to become effective on February 1, 2003. The law has since been amended multiple times, in the 2006 legislative session, in the 2008 session and most recently, in the 2011 session. Public Act 11-232 makes significant changes in the bullying statute. District policies should reflect the changes that were made in the 2011 statute.

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Q. What is the current definition of “bullying” in Public Act 11-232?

A. "Bullying" means (A) the repeated use by one or more students of a written, oral or electronic communication, such as cyber bullying, directed at or

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referring to another student attending school in the same school district, or (B) a physical act or gesture by one or more students repeatedly directed at another student attending school in the same school district, that: (i) Causes physical or emotional harm to such student or damage to such student's property, (ii) places such student in reasonable fear of harm to himself or herself, or of damage to his or her property, (iii) creates a hostile environment at school for such student, (iv) infringes on the rights of such student at school, or (v) substantially disrupts the education process or the orderly operation of a school. Bullying shall include, but not be limited to, a written, oral or electronic communication or physical act or gesture based on any actual or perceived differentiating characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity or expression, socioeconomic status, academic status, physical appearance, or mental, physical, developmental or sensory disability, or by association with an individual or group who has or is perceived to have one or more of such characteristics.

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Q. What are the legal provisions of Connecticut's Public Act 11-232?

A. Each school district must develop and implement a safe school climate plan to address the existence of bullying in its schools. The law requires, among other provisions, that such policies enable anonymous reports of bullying by students to school employees and that students and parents be notified annually of the process by which they may make such reports. School employees must enable parents/guardians of students to file written reports of suspected bullying. School employees who witness acts of bullying or receive reports of bullying to orally notify safe school climate specialist, or another school administrator if the safe school climate specialist is unavailable, not later than one school day after such school employee witnesses or receives a report of bullying, and to file a written report not later than two school days after making such oral report. The safe school climate specialist must investigate or supervise the investigation of all reports of bullying and ensure that such investigation is completed promptly after receipt of any written reports made under this section. The safe school climate specialist must review any anonymous reports, except that no disciplinary action shall be taken solely on the basis of an anonymous report.

A district's anti-bullying policy must also:

1. Include a prevention and intervention strategy for school employees to deal with bullying. This may include, but is not limited to:

(A) Provide for the inclusion of language in student codes of conduct concerning bullying.

(B) Require each school to notify the parents or guardians of students who commit any verified acts of bullying and the parents or guardians of

students against whom such acts were directed not later than forty-eight hours after the completion of the investigation described in subdivision.

(C) Require each school to invite the parents or guardians of a student who commits any verified act of bullying and the parents or guardians of the student against whom such act was directed to a meeting to communicate to such parents or guardians the measures being taken by the school to ensure the safety of the student against whom such act was directed and to prevent further acts of bullying.

(D) Establish a procedure for each school to document and maintain records relating to reports and investigations of bullying in such school and to maintain a list of the number of verified acts of bullying in such school and make such list available for public inspection, and annually report such number to the Department of Education, and in such manner as prescribed by the Commissioner of Education.

(E) Direct the development of case-by-case interventions for addressing repeated incidents of bullying against a single individual or recurrently perpetrated bullying incidents by the same individual that may include both counseling and discipline.

(F) Prohibit discrimination and retaliation against an individual who reports or assists in the investigation of an act of bullying.

(G) Direct the development of student safety support plans for students against whom an act of bullying was directed that address safety measures the school will take to protect such students against further acts of bullying.

(H) Require the principal of a school, or the principal's designee, to notify the appropriate local law enforcement agency when such principal, or the principal's designee, believes that any acts of bullying constitute criminal conduct.

(I) Prohibit bullying (1) on school grounds, at a school-sponsored or school-related activity, function or program whether on or off school grounds, at a school bus stop, on a school bus or other vehicle owned, leased or used by a local or regional board of education, or through the use of an electronic device or an electronic mobile device owned, leased or used by the local or regional board of education, and (2) outside of the school setting if such bullying (a) creates a hostile environment at school for the student against whom such bullying was directed, (b) infringes on the rights of the student against whom such bullying was directed at school, or (c) substantially disrupts the education process or the orderly operation of a school.

(J) Require, at the beginning of each school year, each school to provide all school employees with a written or electronic copy of the school district's safe school climate plan.

(K) Require that all school employees annually complete the training described in Section 10-220a, as amended by this act, or Section 6 of this act.

2. Not later than January 1, 2012, each local and regional board of education shall approve the safe school climate plan developed pursuant to this section and submit such plan to the Department of Education. Not later than thirty calendar days after approval of such plan by the local or

regional board of education, the board shall make such plan available on the board's and each individual school in the school district's Internet web site and ensure that such plan is included in the school district's publication of the rules, procedures and standards of conduct for schools and in all student handbooks.

3. On and after July 1, 2012, and biennially thereafter, each local and regional board of education shall require each school in the district to complete an assessment using the school climate assessment instruments, including surveys, approved and disseminated by the Department of Education pursuant to section 10-222h, as amended by this act. Each local and regional board of education shall collect the school climate assessments for each school in the district and submit such school climate assessments to the department.

Public Act 11-232 is available online at
<ftp://ftp.cga.ct.gov/2011/act/PA/pdf/2011PA-00232-R00SB-01138-PA.PDF>.

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Q. Are private schools required to adhere to this law?

A. No, only public schools are required to have anti-bullying policies by law. However, many private schools do have a comparable policy because they believe this to be important. The only way to find out is to ask the school principal.

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Q. Is adult bullying covered under our law?

A. No, only student behavior is included. However, school districts may have modified their individual policy to include adult behavior. You will need to read the local district policy carefully and determine if they have chosen to include adult behavior. Most districts have left the definition alone and restricted their local policy to cover student-to-student interactions exclusively. Thus, allegations of teacher or administrator mistreatment of students, parent/guardians/colleagues would not be considered under the state anti-bullying statute. Teacher and administrator misconduct may result in revocation of their certification in egregious cases. Complaints may be filed with the Connecticut State Department of Education through the Office of Legal and Governmental Affairs.

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Q. How do I locate my school's bullying policy?

A. Every school and school district office must have a copy of this policy readily available; you are entitled to obtain a copy of it. This policy should

be part of the student handbook, or other policy and procedures manuals that are distributed to staff and parents/guardians. If the policy is not part of one or more of these documents, you may ask for a copy either at your child's school or at the school district office; you should be given a copy immediately upon the request. Very often, the policy is also part of the school or district Web site.

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Q. According to the requirements of the law, I am entitled to see the publicly available list of verified acts of bullying. How do I access this list?

- A.** The bullying law does not provide specific guidance about what this list should look like and what information needs to be included. The list could be as simple as merely a number on a sheet of paper. This list could provide some details about each individual verified act. If there is detailed information, the list will not include names of any of the students involved in the acts, as this would violate the Family Educational Rights and Privacy Act (FERPA).

The law also does not specify whether the list must be given immediately upon request or at some time after the request has been made. If a school does not immediately agree to surrender the list upon request or give you a time when they will provide it, you should request in writing that you want to see it. Even though there are no guidelines within the anti-bullying law directing schools to surrender the list within a specific time frame, you do have "back up" for gaining access to this list through the Freedom of Information Commission (FOI). According to FOI, a school has four (4) days to respond to your written request. What this means is that the school does not have to show you the list within the four days, but that they have four days to respond to your request. In the unlikely event that within this period you do not receive a response, the FOI Commission can be contacted to file a complaint.

Usually, however, a call to the superintendent's office can clear up any misunderstanding and you should be able to access this list without filing a formal FOI request.

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Q. How does the federal law "FERPA" impact getting information about what is being done to deal with my child's situation?

- A.** There is a federal education confidentiality law. It is the Family Educational Rights and Privacy Act (FERPA). The law is similar to medical confidentiality requirements under the Health Insurance Portability and Accountability Act (HIPAA). In a school setting, FERPA requires schools to communicate to parents/guardians information solely about their own

child; information about discipline and consequences pertaining to any other child cannot be communicated. Since FERPA is a federal law, it supersedes any state laws or district policies that may suggest that parents/guardians can learn “what happened to the other child.”

Parents/guardians of targeted children often want to know what types of consequences are given to the other child. This is information that cannot be shared under FERPA. Parents/guardians should know that FERPA applies to all children, and information about their own child will not be shared with any other family member. FERPA protects all children.

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Q. Are there any federal anti-bullying or harassment laws that I should be aware of?

- A.** There are no federal (national) anti-bullying laws. Only a handful of states do not have state anti-bullying laws. If, however, your child is being subjected to “protected class” harassment (sexual, racial, ethnic, national origin, etc.), then there are both state and federal laws that do apply. When the bullying/harassment is directed at a person’s sex, race, or ethnicity, national origin and other protected classes, it is important to bring this to the attention of your school district’s Title IX or Title VI Coordinator. This person is trained to know how to handle this kind of bullying/harassment and should help guide you to managing it.

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