

Series: 2008-2009
Circular Letter: C-8

TO: Superintendents of Schools

FROM: Mark K. McQuillan
Commissioner of Education

DATE: March 16, 2009

SUBJECT: 2008 Legislative Changes Pertaining to Bullying and School Climate

In 2008, the General Assembly made substantive changes to Connecticut's bullying laws by amending Sections 10-222d and 10-220a of the Connecticut General Statutes (C.G.S.) and enacting two new provisions, C.G.S. 10-222g and 10-222h. These changes were made pursuant to P.A. 08-160, and are highlighted below within a general description of the bullying statutes. For your convenience in implementing the new legislation, we have also included where applicable, in brackets, our recommendations as to best practices.

Current Requirements for Dealing with Bullying in the School Learning Environment

All local public school districts must now not only develop but must also **implement** their policies on bullying in its schools. Section 10-222d requires that those policies shall:

- Enable students to make anonymous reports alleging bullying to teachers and school administrators and be notified annually of the process for doing so.
- Enable parents/guardians to file written reports of suspected bullying.
- Require teachers/school staff who witness acts of bullying or receive student reports of bullying allegations to notify school administrators **in writing**.
- Require school administrators to investigate any written reports and review any anonymous reports provided that **no disciplinary action shall be taken solely on the basis of an anonymous report**. [Best practice: The district should consider whether a full investigation of an anonymous complaint should follow.]
- Provide for the inclusion of language in student codes of conduct concerning bullying.
- Include a **prevention** and intervention strategy for public school staff to deal with bullying.
- Require **each school to notify** the parents/guardians of both the student perpetrators of verified acts of bullying as well as the targeted students, and **invite parents/guardians to attend at least one meeting**. [Best practice: Parents/guardians of identified students should receive written invitations and documentation of such invitations maintained. Also, this initial meeting held with parents/guardians of targeted students and parents/guardians of student perpetrators should be held separately. Finally, any description of the response to such acts and any consequences that may result from the commission of acts of bullying must be in compliance with FERPA (Family Educational Rights and Privacy Act).

Specifically, no personally identifiable information about other students may be shared without parental consent.]

- Require each school to maintain a list of the number of verified acts of bullying identified at that school and make such list available for public inspection. In accordance with the statute, and within available appropriations, the CSDE anticipates collecting this information. Further details regarding the method will be forthcoming.
- 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.
- **Identify the appropriate school personnel responsible for taking a bullying report and investigating the complaint. Such individual(s) may include, but not be limited to, pupil services personnel.** [Best practice: This process should include coordination with the district Title IX Coordinator to ensure that possible protected class harassment issues are identified and managed appropriately.]
- **Not later than February 1, 2009, each local and regional board of education must submit its policy, reflecting the changes pursuant to this section, to the CSDE. Not later than July 1, 2009, each local or regional board of education must ensure that the policy is included in the school district's publication of the rules, procedures and standards of conduct for school, and in all student handbooks.** Instructions regarding the submission procedure for revised bullying policies are included at the end of this letter.

The prevention and intervention strategies required as a part of your policy are addressed in Section 10-222g. That section provides that prevention and intervention strategies may include but are not limited to:

- **Implementation of a positive behavioral interventions and supports process or another evidence-based model approach for safe school climate or for the prevention of bullying.** [Best practice: Schools must implement strategies that improve school climate by providing intervention and prevention models for the wider school community including staff, parents and students.]
- **A school survey to determine the prevalence of bullying.** [Best practice: School surveys for determining school site safety and student, parent and staff perceptions to assess the quality of the school climate are preferable to assessing the prevalence of bullying.]
- **Establishment of a bullying prevention coordinating committee with broad representation to review the survey results and implement the strategy.** [Best practice: A school climate improvement committee which focuses on this area and is within a wider school improvement committee satisfies this requirement.]
- **School rules prohibiting bullying, harassment and intimidation and establishing appropriate consequences for those who engage in such acts.**
- **Adequate adult supervision of outdoor areas, hallways, the lunchroom and other specific areas where bullying is likely to occur.**
- **Inclusion of grade-appropriate bullying prevention curricula in kindergarten through high school.** [Best practice: Districts should offer programs that focus on building safe and positive school communities including developing healthy relationships and preventing dating violence.]
- **Individual interventions with the bully, parents/guardians and school staff, and interventions with the bullied child, parents/guardians and school staff.**

- **School-wide training related to safe school climate.** [Best practice: Training for adults may include Title IX/Sexual Harassment training, Section 504/ADA training, CSDE sponsored training to improve school climate, cultural diversity/multicultural education and any other available training in state and federal civil rights legislation.]
- **Promotion of parent involvement in bullying prevention through individual or team participation in meetings, trainings and individual interventions.** [Best practice: Efforts should be made to invite parent participation in improving school climate.]

The definition of “bullying” has changed substantively from previous legislation. Section 10-222d now defines bullying as, “any overt acts by a student or group of students directed against another student with the intent to ridicule, harass, humiliate or intimidate the other student while on school grounds, at a school-sponsored activity or on a school bus, which acts are **committed more than once against any student during the school year.**” Bullying policies may include provisions addressing bullying outside of the school setting if it has a direct and negative impact on a student’s academic performance or safety in school. The change in definition deletes the reference to acts against the same student over time and now focuses attention directly on the conduct of the alleged perpetrator. Note: The term “harass” may have additional legal implications pursuant to state and federal statutes pertaining to protected classes (race, ethnicity, gender, sexual orientation, etc.). Districts must have a Title IX coordinator who is familiar with these provisions.

There is a new in-service training requirement for all teachers, administrators and pupil personnel staff that hold any form of an educational certificate working in any local/regional public school district outlined in Section 10-222a. This in-service training includes, but is not limited to:

- School violence prevention, conflict resolution **and prevention of bullying, except that those boards of education that implement an evidence-based model approach, consistent with this act, shall not be required to provide in-service training on the prevention of bullying.** [Best practice: Districts should implement evidenced-based models to improve school climate and diminish bullying. Research demonstrates that these practices result in positive student outcomes. Adults in school should receive proper in-service training in such model approaches. Additionally, including paraprofessionals, bus drivers and security staff is advisable to realize systemic improvement.]

Pursuant to Section 10-222h, the CSDE is charged, within available appropriations, with new responsibilities. To satisfy several of these requirements, we are requiring all districts to complete a very brief on-line survey. To access this survey, go to the home page of the CSDE Web site, <http://www.sde.ct.gov/sde>, and look for the link to the new school climate/bullying Web page. Access that Web page, click on the link and complete and submit this survey. Direct access to the survey is: http://www.dir.ct.gov/sde/2009_Bullying_Survey.htm. Please complete this survey on or before April 9, 2009.

The statutory deadline for submitting the revised bullying policies (reflecting the required changes in Section 10-222d) was February 1, 2009. Given the lateness of this guidance, I want to make the submission process as streamlined as possible. Even if a hard copy has already been sent to the CSDE, upon receipt of this letter, kindly copy and paste your revised bullying policy electronically at the following link: http://www.dir.ct.gov/sde/Public_Act_08-160_Policy_Attachment.htm.

Finally, we hope to be of assistance to you by providing model policies for the prevention of bullying, electronic school-based student and staff surveys in English and Spanish, and a sample letter for schools to send to parents/guardians notifying them of any school climate survey process. Our ultimate goal is to secure consistent and meaningful data that will help us all to improve school climate. We hope to begin these efforts in the near future.

Thank you in advance for your careful attention to the requirements outlined in the new legislation. If you have any questions or concerns related to these legislative changes, and/or completing and submitting requirements of the statute, please contact Jo Ann Freiberg, Education Consultant for Bullying and School Climate Improvement, at 860-713-6598 or by e-mail at joann.freiberg@ct.gov. Or you may contact William Howe, Education Consultant for Title IX and Multicultural Education, at 860-807-2031 or by e-mail at william.howe@ct.gov.

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cc: Marion H. Martinez, Associate Commissioner, Division of Teaching, Learning and Instructional Leadership
Susan Kennedy, Chief, Bureau of School and District Improvement
Jo Ann Freiberg, Education Consultant, Bureau of School and District Improvement
William Howe, Education Consultant for Title IX and Multicultural Education
Principals of Public Elementary, Middle and High Schools