

July 2011

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Important Revisions to Connecticut's School Bullying Laws - Effective July 1, 2011

The Connecticut Legislature recently passed a new school bullying prevention law, *An Act Concerning the Strengthening of School Bullying Laws*, Public Act. No. 11-232, which contains significant revisions aimed at strengthening the existing statute. School districts are advised to take note of the substantial changes to prior law, as the new law greatly expands the definition of "bullying," provides definitions of new terms, and imposes additional obligations on school employees and school districts.

This new law took effect on July 1, 2011, although some of its provisions do not apply until July 1, 2012.

New Definition of Bullying

The new Act significantly revises the definition of "**bullying**." Prior law had defined "bullying" as "any overt acts by a student or a 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."

As of July 1, 2011, bullying is now defined as (A) the **repeated** use by one or more

students of a written, oral, or electronic communication, such as cyberbullying, directed at or 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.

Under the new expansive definition, "bullying" expressly includes, but is not limited to, a written, oral, or electronic communications, or physical acts or gestures that are based on any actual or perceived differentiating characteristics, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and 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.

The Act also defines several important new terms, including “**cyberbullying**,” which had not been explicitly addressed under the prior law. Effective July 1, 2011, Connecticut’s bullying legislation now defines cyberbullying as “any act of bullying through the use of the Internet, interactive and digital technologies, cellular mobile telephone or other mobile electronic devices, or any electronic communications.”

Scope of Prohibition against Bullying Expanded

Prior law required school districts to respond to acts of bullying that occurred “while on school grounds, at a school sponsored activity or on a school bus,” if such acts were “committed more than once during a school year.” Under this old law, districts were *permitted*, but not *required*, to address bullying outside of the school setting, but only if such acts “had a direct and negative impact on a student’s academic performance or safety in school.”

The new law revises this prior language by removing language regarding “intent” and the limitation that such acts occur “during a school year.” Specifically, Public Act 11-232 now provides that school districts must prohibit bullying “at a school-sponsored or school-related activity, whether on or off school grounds; at a school bus stop or on a school bus or other vehicle owned, leased, or used by the district; or through the use of an electronic device or an electronic mobile device owned, leased, or used by the district.”

In addition, school districts must now prohibit bullying **outside of the school setting** if such bullying 1) creates a hostile school environment for the victim; 2) infringes on the rights of the victim at school; or 3) substantially disrupts the education process or the orderly operation of a school.

New Obligations for School Districts and Schools

In addition to the above changes, the new law requires a school district to:

- Develop and implement a **safe school climate plan** that contains the essential elements outlined in the new law. Existing policies should therefore be rescinded and replaced by a plan, or revised to meet the new requirements. **The school climate plan must be approved by the local or regional board of education and be submitted to the State Department of Education (“DOE”) no later than January 1, 2012.**
- Appoint a **safe school climate coordinator**, starting on July 1, 2012 and each school year thereafter. The coordinator’s duties include implementing the safe school climate plan, collaborating with the safe school climate specialists, providing data to the superintendent and the district regarding bullying, and meeting at least twice annually with the safe school climate specialists to make recommendations concerning amendments to the district’s safe school climate plan.
- Provide an **in-service training** program for its certified teachers, administrators, and pupil personnel that includes

information addressing the prevention of, identification of, and response to bullying, and the prevention of and response to youth suicide.

The law requires individual schools to:

- Designate a **safe school climate specialist**, starting on July 1, 2012. This specialist can be the principal or a designee of the principal, and must investigate or supervise the investigation of reported acts of bullying in accordance with the district's safe school climate plan. The safe school climate specialist must also collect and maintain records of reports and investigations of bullying in the school and act as the primary school official responsible for preventing, identifying, and responding to reports of bullying in the school.
- Establish a **committee** (or designate an existing committee) that is responsible for developing and fostering a safe school climate and addressing issues related to bullying in school. The principal must appoint at least one parent or guardian of a student enrolled in the school to the committee.

The Essential Requirements of the Safe School Climate Plan

The safe school climate plan must:

- Be approved by the local or regional board of education and **submitted to the DOE by January 1, 2012**. Within thirty (30) calendar days of a board's approval, the plan must be available on the board's website, and on each individual school's website.

- Be included in each district's publication of rules, procedures, and standards of conduct for schools, and in all student handbooks.
- Require each school to provide all school employees with a written or electronic copy of the plan at the beginning of each school year.
- Prohibit discrimination and retaliation against an individual who reports, or assists in the investigation of, an act of bullying.
- **Prohibit bullying on school grounds;** at a school-sponsored or school-related activity, whether on or off school grounds; at a school bus stop or on a school bus or other vehicle owned, leased, or used by the district; or through the use of an electronic device or an electronic mobile device owned, leased, or used by the district.
- **Prohibit bullying outside of the school setting** if the bullying creates a hostile environment at school for the victim, infringes on the rights of the victim at school, or substantially disrupts the education process or the orderly operation of a school.
- Enable students to **anonymously report** acts of bullying to **school employees**, and require students and their parents or guardians to be notified annually of the process by which students may make such reports. **"School employees"** is defined broadly under the new law to include "a teacher, substitute teacher, school administrator, school superintendent, guidance counselor, psychologist, social worker, nurse,

physician, school paraprofessional, or coach employed by a local or regional board of education or working in a public elementary, middle, or high school; or any other individual who, in the performance of his or her duties, has regular contact with students and who provides services to, or on behalf of students, enrolled in a public elementary, middle, or high school, pursuant to a contract with the local or regional board of education and contractors having regular contact with and providing services to, or on behalf of, students.” This is a significant change from prior law, which had allowed anonymous reports only to teachers and school administrators.

- Require school employees who witness acts of bullying or receive reports of bullying to orally notify the safe school climate specialist **not later than one school day** after witnessing the act of bullying or receiving a report of an act of bullying. School employees must file a **written report not later than two school days** after making their oral report.
- Require the safe school climate specialist to investigate or supervise the investigation of all reports of bullying to ensure that such investigation is completely promptly after receipt of written reports.
- Require the safe school climate specialist to review any anonymous reports, provided that no disciplinary action shall issue solely on the basis of an anonymous report.
- Require the school principal or the principal’s designee to **notify the appropriate local law enforcement agency** when the principal (or designee) believes that any act of bullying constitutes criminal conduct.
- Require schools to **notify parents/guardians** of students who commit any verified acts of bullying and parents/guardians of students against whom such acts were directed **not later than 48 hours** after the completion of the investigation.
- Require schools to **invite parents/guardians of the perpetrator and victim of bullying to a meeting** to communicate the measures being taken to ensure the student’s safety and prevent further acts of bullying.
- Include a prevention and intervention strategy for school employees to deal with bullying.
- Provide for the inclusion of language in student codes of conduct concerning bullying.
- Direct the development of **student safety support plans** for students against whom an act of bullying was directed. These support plans must address the safety measures the school will take to protect the students against further acts of bullying.
- Establish a procedure for each school to document and maintain records relating to reports and investigations of bullying and to **maintain a list of the number of verified acts of bullying**. This list must



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be made available to the public, and must be annually reported to the DOE.

- On or after July 1, 2012, and biennially thereafter, require each school in the district to complete an assessment using the **school climate assessment** instruments, and submit the assessment to the DOE.
- 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. These interventions may include counseling and discipline.

Other Highlights of the New Law

- *Beginning Teacher Training:* Under prior law, beginning teachers must have completed an instructional module in the area of classroom management and climate. Under the new law, this module must include training regarding the prevention and identification of, and response to, school bullying. The training must also include instruction regarding the prevention of and response to youth suicide.
- *Training for school employees who do not hold initial, provisional, or professional educator certification:* The DOE will provide annual training to school employees who do not hold initial educator, provisional educator, or professional educator certificates, on the

prevention of, identification of, and response to school bullying, and the prevention of and response to youth suicide.

- *State-wide Safe School Climate Resource Network:* The DOE will create a state-wide safe school climate resource network for the identification, prevention and education of school bullying in the state.

Next Steps

In response to Public Act 11-232, local and regional boards of education should:

- Update student handbooks now to include the new definition of bullying and to specifically prohibit bullying consistent with the new requirements.
- Incorporate training on the identification of, prevention of, and response to bullying, and the prevention of and response to youth suicide for teachers, administrators, and pupil personnel.
- Develop a safe school climate plan that includes all of the essential requirements, to be approved by the local or regional board of education and submitted to the DOE by January 1, 2012.
- As of July 1, 2012, appoint a safe school climate district-wide coordinator and safe school climate specialists for individual schools.

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