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Handling the Bullies in the Classroom: Connecticut's Revised Bullying Statute

By Jeremy Cline, MLPP Intern

In the 2008 legislative session, the Connecticut Legislature passed Public Act 08-160, making significant changes to the Connecticut bullying statute. This act, which went into effect July 1, 2008, expanded the definition of bullying while also clarifying the duties that teachers and administrators have in recognizing and reporting cases of bullying.

What constitutes bullying under this revision?

“Bullying means 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.” The revision jettisons the requirement that the “acts be *repeated* against the same student over time,” substituting instead the requirement that the acts merely be “*committed more than once* against any student during the school year.¹”

What duties do teachers and administrators have in reporting and investigating cases of bullying?

Teachers and other school staff who witness or receive student reports of bullying are now required to notify school administrators of the bullying in writing.² Administrators must investigate these reports.³ However, an administrator may not discipline a student for suspected bullying solely on the basis of an anonymous report.⁴ Administrators must annually report the number of bullying incidents to the State Department of Education.⁵

What rights does a child who is accused of bullying have?

The parents of a child accused of bullying must be notified and invited to at least one meeting to address accusations.⁶

What duties do administrators have in preventing bullying?

Administrators are now required to develop not merely a bullying intervention plan, but also a **bullying prevention plan**.⁷ This plan may include: a school survey to determine the prevalence of bullying; school rules prohibiting bullying; a positive behavioral intervention and support process; adequate supervision of lunchrooms, hallways, etc; school-wide trainings; establishing a bullying prevention coordination committee; establishing grade-appropriate bullying prevention curricula; individual interventions with the bully; and, promoting parent involvement in bullying prevention.⁸ By July 1, 2009, local boards of education must provide in-service training for bullying.⁹

What reporting requirements do local Boards of Education now have?

Each local Board of Education must report their bullying policies to the State Department of Education by February 1, 2009.¹⁰ By July 1, 2009, Boards must include the district's bullying policies, rules, and procedures in all student handbooks.¹¹

What should I do if my patient is a victim of bullying?

You should advise your patient's parent or legal guardian to speak with the school principal or administrator immediately. The parent or legal guardian should inform the administrator of the problem and ask that the administrator investigate the allegation of bullying.

If the administrator fails to take action, urge the parent/guardian to send a request for an investigation, *in writing*, to the school administrator, and send a copy to the school district superintendent.

If the school fails to act at that point, advise the family to seek an advocate at once.

How can I learn more about Connecticut's bullying laws?

Call Jay Sicklick, MLPP Director, at 860-714-1412, or email jsicklick@kidscounsel.org for information or to schedule a training session on Connecticut's bullying laws.

(Footnotes)

- ¹ Conn. Gen. Stat. § 10-222d(7).
- ² Conn. Gen. Stat. § 10-222d(3).
- ³ Conn. Gen. Stat. § 10-222d(4).
- ⁴ *Id.*
- ⁵ Conn. Gen. Stat. § 10-222d(8).
- ⁶ Conn. Gen. Stat. § 10-222d(7).
- ⁷ Conn. Gen. Stat. § 10-222d(5).
- ⁸ Conn. Gen. Stat. § 10-222d(5).
- ⁹ Conn. Gen. Stat. § 10-220a.
- ¹⁰ Conn. Gen. Stat. § 10-222d(7).
- ¹¹ *Id.*



Educational Resources and Training Available from the Medical Legal Partnership Project

The MLPP has several presentations and trainings available for practitioners and clinicians in the areas of special education and school-based law.

If your practice would like to schedule a training with one of our attorneys, please call the MLPP Director at (860) 714-1412 or e-mail jsicklick@kidscounsel.org.

McKinney Vento: The Law on Homelessness, Education and School Placement for Children in Foster Care

The *McKinney-Vento Act* is a federal law designed to increase the school enrollment, attendance, and success of children and youth who are designated “homeless.”

The Act provides a framework for ensuring that “homeless” children and youth maintain consistency in their educational experience, despite the uncertainty that homelessness provides.

Who is a homeless child under McKinney-Vento?

A homeless child is a school-aged child who lacks a fixed, regular and adequate nighttime residence. This is a much broader definition than the traditional notion of “homelessness.” Thus, a child need not be living in a homeless shelter, or “on the street” to be eligible for the benefits of the *McKinney-Vento Act*. Families that are doubled up (with relatives or friends for example) may be homeless and therefore benefit from the provisions of *McKinney-Vento*.

What are the special protections that exist for children eligible under McKinney-Vento?

The *McKinney-Vento Act* provides that homeless children, as defined under the act, are entitled to:

- Remain in one school, even if their temporary living situation is located in another school district or attendance area. Attendance at the same school district may last until a permanent residence is obtained. If the child obtains a permanent residence during the school year, s/he may continue to attend the “foreign” school until the conclusion of the school year,
- Receive transportation to and from the school of origin,
- Enroll in school and begin participating fully in all school activities immediately, even if they cannot produce the normally required documents, such as birth certificates, proof of guardianship, school records, *immunization or medical records*, or proof of residency,
- Supplemental services such as tutoring or mentoring.

Does McKinney-Vento apply to children in out-of-home care, such as foster care?

In many cases, yes – but the answer for children in DCF custody in Connecticut is variable. Children in “temporary placements,” such as SAFE homes, or transitional therapeutic settings (such as “safe house” or Sankofa House at the Village for Families and Children) are entitled to protection under *McKinney-Vento*. The Act also applies to children who are “awaiting foster care placement.” Children who are placed in traditional foster homes are *not* entitled to the protection afforded by *McKinney Vento*.

When a child in DCF custody is residing in emergency or transitional shelters, the local educational agency (LEA), in collaboration with DCF, ensures that children can continue to attend their “school of origin” if the placement is in their best interests. A school of origin is defined as the school the child attended when permanently housed or the school in which the child was last enrolled.

What are the transitional residences (shelters, SAFE homes, etc.) that invoke McKinney-Vento protection for children in DCF custody?

SAFE homes and permanency diagnostic centers (PDC) are located throughout Connecticut. Such facilities include the Klingberg Family Centers in New Britain, Boys and Girls Village in Milford, and The Village for Families and Children in Hartford.

DCF places children in eight emergency shelters around the state, including the Salvation-Army Marshall House in Hartford, Kids In Crisis in Cos Cob, The Bridge Family Center in West Hartford, and CSI Connecticut in Norwalk.

What should you do if you believe that a child in DCF custody is eligible under McKinney-Vento?

You should first contact the child’s DCF social worker who can advocate on behalf of the child for an appropriate educational placement. If that advocacy does not work, you should contact either the child’s attorney (information available from DCF) or, the school district’s homeless education liaison – a required position in each LEA. In addition, if the clinician is not successful in obtaining relief through the LEA or by contacting the child’s attorney, the state Department of Education’s *McKinney-Vento* liaison may be able to assist.

Connecticut’s *McKinney-Vento* coordinator, Louis Tallarita, can be reached at (860) 807-2058.

More information about the *McKinney-Vento Act* and its application in Connecticut schools may be found at the State Department of Education’s website at www.sde.ct.gov/sde/cwp/view.asp?a=2678&q=320796

WE WANT TO HEAR FROM YOU Send your questions to jsicklick@kidscounsel.org

To refer a case to the MLPP or to the IRNAAP

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To submit questions for the next edition of MLPP News please email jsicklick@kidscounsel.org

More information about the Medical-Legal Partnership Project is available at www.kidscounsel.org or www.ccmckids.org/mlpp.

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