

From Bullying to Bathrooms: Discrimination Protections for Public School Students

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Session Goals

- Establish definitions.
- Explore protections.

DEFINITIONS

Bullying

“Bullying” means

- (A) the repeated use by one or more students of a written, oral or electronic communication 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

Bullying

“Bullying” means

- (A) the **repeated** use by one or more students of a written, oral or electronic communication 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**

Bullying

Communication or act must

- (i) cause physical or emotional harm to the student or damage to the student's property
- (ii) place student in reasonable fear of harm or damage
- (iii) create a hostile environment at school for student
- (iv) infringe on the rights of the student at school, or
- (v) substantially disrupt the education process or the orderly operation of a school

Bullying

- * Includes acts or communications based on any actual or perceived differentiating characteristic, or association with an individual or group who has or is perceived to have one or more of such characteristics.
- * Differentiating characteristics include race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity or expression, socioeconomic status, academic status, physical appearance, mental disability, physical disability, developmental disability, or sensory disability.

General Statutes § 15-222d

Sexual Orientation

“Sexual orientation” means having a preference for heterosexuality, homosexuality or bisexuality, having a history of such preference or being identified with such preference....

General Statutes § 46a-81a

“Sexual orientation” means

Statute

- * having a preference for
- * heterosexuality, homosexuality or bisexuality
- * having a history of such preference
- * being identified with such preference

Translation

- having an attraction to
- the same or other gender(s), or no gender
- having a history of a particular attraction
- being perceived as having a particular attraction

Gender Identity

“Gender identity or expression” means a person’s gender-related identity, appearance, or behavior, whether or not that gender-related identity, appearance, or behavior is different from that traditionally associated with the person’s physiology or assigned sex at birth, which gender-related identity can be shown by providing evidence including, but not limited to, medical history, care or treatment of the gender-related identity, consistent and uniform assertion of the gender-related identity or any other evidence that the gender-related identity is sincerely held, part of a person’s core identity or not being asserted for an improper purpose.

General Statutes § 46a-51(21)

“Gender identity or expression” means

- * person’s gender-related identity, appearance, or behavior
- * whether or not it differs from what is traditionally associated with their physiology or assigned sex at birth
- * shown by methods including, but not limited to:
 - * medical history, care, or treatment
 - * consistent and uniform assertion of the identity
 - * any other evidence that the identity is sincerely held or part of the person’s core identity, and not for improper purpose

Protections

The image features a solid blue background. At the bottom, there is a decorative white wavy line that spans the width of the image. The word "Protections" is centered in the upper half of the image in a white, sans-serif font.

Bullying

Bullying must be prohibited:

- * on school grounds
- * at school-sponsored or school-related activities, functions, programs, on or off school grounds
- * at the school bus stop or
- * on the school bus or other board of education vehicle
- * through electronic devices owned, leased, or used by the board of education

Bullying

Bullying must also be prohibited **outside of school** if it:

- (i) creates a hostile environment at school for the student against whom the bullying is directed
- (ii) infringes on the rights of the student at school, or
- (iii) substantially disrupts the education process or the orderly operation of a school

General Statutes § 10-222d

Umbrella Statute

General Statutes § 46a-58(a):

- * discriminatory to subject any person to the deprivation of any rights or privileges secured or protected by state or federal law or constitution based on their protected class
- * classes protected: religion, national origin, alienage, color, race, sex, gender identity or expression, sexual orientation, mental disability, physical disability, and veteran status

Equal Opportunity in Public Schools

General Statutes § 10-15c:

- * each child shall have an equal opportunity to participate in the activities, programs, and courses of study offered in the public schools for which they are eligible w/o discrimination based on protected class
- * classes protected: race, color, sex, gender identity or expression, religion, national origin, and sexual orientation

Schools as Places of Public Accommodation

General Statutes §§ 46a-64 and 46a-81d:

- * prohibited from denying full and equal services or use of facilities, or otherwise discriminating, segregating, or separating, based on protected class
- * classes protected: race, creed, color, national origin, ancestry, sex, gender identity or expression, marital status, age, lawful source of income, intellectual disability, mental disability, physical disability, veteran status, and sexual orientation

Educational & Vocational Programs

General Statutes §§ 46a-75 and 46a-81m:

- * all educational, counseling, vocational guidance, apprenticeship, and on-the-job training programs of state agencies, or in which state agencies participate, shall be open to all qualified persons w/o regard to protected class
- * classes protected: race, color, religious creed, sex, gender identity or expression, marital status, age, national origin, ancestry, intellectual disability, mental disability, learning disability, physical disability, veteran status, and sexual orientation

LGBT+ Students

- * Every student has the right to an equal opportunity to participate in activities, programs, and courses of study for which they are otherwise eligible w/o discrimination based on sexual orientation or gender identity or expression.
- * Students have the right to access the school facilities – including bathrooms and locker rooms – that correspond to their gender identity or expression.
- * Students have the right to be addressed in the manner that corresponds to the gender with which they identify.
- * Bullying includes conduct based on a student's actual or perceived sexual orientation or gender identity or expression, or that of a person or group with whom the student is associated.

Filing a CHRO Complaint

WHO MAY FILE

- * Adult on their own behalf.
- * Parent/guardian on behalf of minor child/ward.
- * Emancipated minor on their own behalf.

WHEN TO FILE

- * Generally, within 180 days of the act of alleged discrimination.
- * For continuing violation, within 180 days of most recent act.

WHERE TO FILE

- * Regional offices in Hartford, Bridgeport, Waterbury, and Norwich.
- * More info at www.CT.gov/CHRO.

Questions?

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