



## **BULLYING: WHAT DOES THE LAW SAY?**

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# Bullying

**Preventing bullying isn't just a moral obligation for schools.  
It's a LEGAL obligation.**

Connecticut General Statutes § 10-222d defines bullying and prohibits bullying in Connecticut's schools

# Definition of Bullying

## **Bullying can happen in several ways:**

- Repeated use by one or more students of written, oral or electronic communication directed at, or referring to, another student; OR
- A physical act or gesture by one or more students repeatedly directed at another student in the same school district, that has any of the following effects:
  - Causes physical or emotional harm to student or damage to student's property,
  - Places student in reasonable fear of harm to him/herself, or of damage to property,
  - Creates a hostile environment at school,
  - Infringes on the rights of student at school, or
  - Substantially disrupts the education process or the orderly operation of a school.

CGS § 10-222d

# Definition of Bullying

## **Bullying can happen in several ways:**

“Bullying” also includes a written, oral or electronic communication or physical act or gesture based on any actual or perceived differentiating characteristic: 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.

CGS § 10-222d

# Cyberbullying

## **Cyberbullying**

Any act of bullying through use of the Internet, interactive and digital technologies, cellular mobile telephone or other mobile electronic devices or any electronic communications.

CGS § 10-222d(2)

# Bullying and Cyberbullying

## General Considerations

Without adequate school response, bullying or cyberbullying may cause:

- Truancy, poor academic performance, or dropout
- Student to become overwhelmed and retaliate in a way that can lead to school discipline or arrest
- Trigger special education requirements

**Youth engaging in bullying or cyberbullying behavior, without adequate school response, is at risk for significant school disciplinary consequences or arrest.**

# Bullying and Cyberbullying Students with Disabilities

Bullying of a student with a disability that results in the student not receiving meaningful educational benefit constitutes a denial of a free appropriate public education (FAPE) under the Individuals with Disabilities Education Act (IDEA) that must be remedied. This is the case whether or not the bullying is related to the student's disability.

States and school districts have a responsibility under IDEA, 20 U.S.C. § 1400, et seq., to ensure that FAPE in the least restrictive environment (LRE) is made available to eligible students with disabilities. For a student to receive FAPE, the student's individualized education program (IEP) must be reasonably calculated to provide meaningful educational benefit.

# Bullying and Cyberbullying Students with Disabilities

The school should, as part of its appropriate response to the bullying, convene the IEP Team to determine whether, as a result of the effects of the bullying, the student's needs have changed such that the IEP is no longer designed to provide meaningful educational benefit.

If the IEP is no longer designed to provide a meaningful educational benefit to the student, the IEP Team must determine to what extent additional or different special education or related services are needed to address the student's individual needs and revise the IEP accordingly.



# Bullying and Cyberbullying

## What are schools required to do?

To address bullying and teen dating violence [CGS §10-222d\(b\)](#) requires schools to develop and implement a safe school climate plan that

### 1. Prohibits bullying

- 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 through the use of an electronic device or an electronic mobile device owned, leased or used by the school, and
- outside of the school setting if such bullying creates a hostile environment at school for the student against whom such bullying was directed, or infringes on the rights of student against whom such bullying was directed at school, or substantially disrupts the education process or the orderly operation of a school.

# Bullying and Cyberbullying

## What are schools required to do?

2. Enable students to anonymously report acts of bullying to employees and require students and parents to be notified at the beginning of each school year of the process to make such reports.
3. Enable parents/guardians to file written reports of suspected bullying.
4. Require employees who witness acts of bullying or receive reports of bullying to orally notify the safe school climate specialist or another school administrator **not later than one school day** after they witness or receive a report of bullying **and** file a written report not later than 2 school days after making the oral report.

# Bullying and Cyberbullying

## What are schools required to do?

5. Require safe school climate specialist to investigate or supervise the investigation of all reports and ensure investigation is completed promptly after receipt of written reports.

Parents of student who committed bullying and parents of the victim should receive prompt notice that investigation has commenced.

# Bullying and Cyberbullying

## What are schools required to do?

6. The school must notify the parents of students who **commit** any verified acts of bullying and the parents of students against whom the acts were directed not later than **forty-eight hours** after the completion of the investigation.
7. The school must invite the parents of a student **against whom such act was directed** to a meeting to inform them of the specific measures being taken by the school to ensure the safety of the student and policies and procedures in place to prevent further acts of bullying.

# Bullying and Cyberbullying

## What are schools required to do?

8. Develop 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.
9. Develop student safety support plans for students against whom an act of bullying was directed that address safety measures the school will take to protect the students against further acts of bullying.

# Bullying and Cyberbullying

## What are schools required to do?

10. Establish a procedure for each school to document and maintain records relating to reports and investigations of bullying in the school, maintain a list of the number of verified acts of bullying in the school and make such list available for public inspection, and annually report the number to the Department of Education.
11. Prohibit discrimination and retaliation against an individual who reports or assists in the investigation of an act of bullying.
12. Require the principal of a school, or their designee, to notify the police when they believe that any acts of bullying constitute criminal conduct.

# Bullying and Cyberbullying

## What are schools required to do?

13. 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.
14. Include a prevention and intervention strategy for school employees to deal with bullying and teen dating violence and provide that language concerning bullying be included in student codes of conduct.
15. Require that all school employees annually complete training designed to address school violence prevention, conflict resolution, the prevention of and response to youth suicide and the identification and prevention of and response to bullying.



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