



Parents Legal Guides

Bullying 101: The Law & Your Child



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Access to Education

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Bullying 101: The Law & Your Child

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Table of Contents

How to use this guide	4
Terms you should know	5
What is Bullying?	6
Signs of Being Bullied	
What Can I Do?	7
Steps to Take	
Can Parents Sue Their Child's School for Not Stopping Bullying?	
What Can Schools Do?	10
Create or Improve Bullying Policies	
Make Formal Changes at the School	
Bullying Laws	11
Connecticut's Laws	
Federal Laws	
Closing	13
Sample Letters	14
Reporting Bullying	
Thank You and Follow-Up Note	
To School Board on Unaddressed Bullying	
Resources	17

How to Use This Guide

This guide is a resource for parents on the laws and their rights. It is intended to provide parents with information so they know how to best support their child.

As you read through this guide, you will find terms highlighted in bold and you can find the meaning of those terms in the next section, "terms you should know."

You can find helpful checklists by looking for



And this means key ideas to remember

Toward the end of the guide you will find sample letters to help you in written communication to your child's school. The final page of the guide contains lists of local organizations and/or sources of support.

Terms you Need to Know

Intervention strategy: a plan created to eliminate behavior, such as bullying.

Local and regional school boards of education: governing body for public schools within a town, city, or region.

No Child Left Behind: A federal law that aims to hold school districts responsible for student performance. Under the law the Connecticut Department of Education must:

- ⇒ Develop high quality class work for all students
- ⇒ Test students to make sure they have learned skills in core subject areas (math, science & reading)
- ⇒ Provide a highly qualified teacher in every classroom

Safe and Drug-Free Schools: federal program that focuses on increasing school safety through providing grants and money to individual school districts

Statute: a law enacted by a state or federal legislature.

Student code of conduct: a set of rules set by individual school districts that help create a safe environment for all students and staff by clearly stating the expected behaviors for students and a process for correcting improper behavior.

What is Bullying?

Connecticut's legal definition of is "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." In other words the bullying must be a repeated event by the same student(s) and occur on school grounds, or at a school-related activity, or a school vehicle.

Most people think of bullying as broader than the Connecticut legal definition. Bullying is generally thought of as when one person is regularly cruel to another person. This can occur when one child hurts another child on purpose with actions or words.

- ⇒ Verbal bullying may include name-calling, spreading rumors, teasing, sarcasm, ridicule, intimidation, harassment, or threats.
- ⇒ Psychological bullying may include socially isolating a child from a group, tormenting, or humiliating another child.
- ⇒ Physical bullying may include fighting, shoving, kicking, hitting, or any other type of violence.
- ⇒ Racial bullying may include racial taunts, jokes, gestures, or graffiti.
- ⇒ Sexual bullying may include unwanted physical contact, abusive comments, or homophobic abuse.

Signs of Being Bullied

Children who are being bullied are not likely to tell their parents or teachers. It is important that parents, teachers, and school staff learn to recognize signs of bullying. Those signs can include:

- ⇒ Unwilling to go to school
- ⇒ Avoiding the usual school route
- ⇒ Avoiding the school bus
- ⇒ Coming home from school hungry because they did not eat lunch
- ⇒ Fear of social situations with children

- ⇒ Nightmares
- ⇒ Physical injuries when they come home from school
- ⇒ Slump in school performance
- ⇒ Depression or moodiness
- ⇒ Low self-esteem
- ⇒ Withdrawal or becoming quiet, distance, sensitive, or passive
- ⇒ Attempts or threats to commit suicide

It is important that parents talk to their children about school and about whether they have seen other children being bullied. Children are usually not willing to admit they are being bullied because they are frightened. But asking indirect questions may provide information into what is going on.

Some of the questions you may want to ask are:

- ⇒ How was the walk to school (or bus ride) today?
- ⇒ Who did you talk with on the way to school? What did you talk about?
- ⇒ How was school today?
- ⇒ How did you spend lunchtime?
- ⇒ Who did you spend it with?
- ⇒ What did you eat for lunch?
- ⇒ What happened at lunchtime or recess?
- ⇒ Who do you like at school? Why?
- ⇒ Who do you not like at school? Why?
- ⇒ Are there any kids you think are bullies? What makes them a bully?

What Can I do?

There are also many things you can do to stop bullying. But first, talk to your child about the bullying. Tell your child that you will help them sort out the problem and find out as much as you can before taking action. Find out:

- ⇒ How and when the bullying began
- ⇒ How many times it happened
- ⇒ Where the bullying occurred
- ⇒ Who saw it
- ⇒ What children were involved
- ⇒ If other children have been bullied by the bully

Keep a written notebook of all the bullying incidents your child reports to you. Make sure to include:

- The names of children who were involved or saw the incident
- The time and place the bullying occurred
- What happened

Before taking action, you should discuss your plan of action with your child so they feel important. Together you can gather important information that will help you figure out the best way to advocate for your child.

Steps to Take

1 Talk to your child's teacher and ask them:

- ⇒ If they ever suspected bullying happened? If yes, when did they notice it?
- ⇒ Have they noticed any of the bullying? If yes, what did they do to stop it?
- ⇒ Have they noticed your child being left out from activities in class or on the playground? If yes, what did they do about it?

Then talk to the child's teacher about the bullying that your child described to you and ask them:

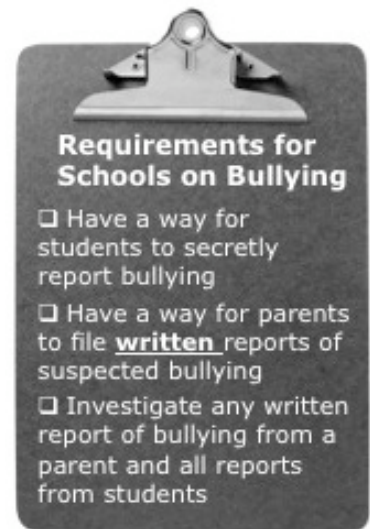
- ⇒ What they plan to do to look into and stop the bullying
- ⇒ To set up an appointment with your child and the guidance counselor or school psychologist, to discuss the bullying
- ⇒ To create an action plan that lists the steps they plan to take and when

After meeting with your child's teacher:

Set up a follow-up meeting to discuss the progress on the action plan

Send your child's teacher a thank you note. In the thank you note list all of the things discussed in the meeting, and remind your child's teacher of the action they promised to take.

2 If nothing gets better after meeting with your child's teacher, or if your child's teacher doesn't respond, set up a meeting with the school principal and discuss with the principal everything that you discussed with your child's teacher.



After you meet with your principal, the school should investigate the bullying claims immediately. After investigating the claims, the school should contact you to discuss what they plan to do and why.

The principal or school staff should also meet with your child to learn more about the bullying and work with your child to develop a plan of action. They should assure your child that they will be watching carefully to make sure that the bullying does not continue.

School staff should meet with the children who are suspected of bullying and let them know that bullying is against school policy and will not be tolerated. They should also let those children know the consequences of bullying, and if appropriate, punish the students.

It is not a good idea for school staff to have a joint meeting with your child and the bully or hold a mediation session. Bullying is not the same as a conflict resolution, and trying to solve the problem with mediation may scare the child who is being bullied.

3 If the school staff (teachers, principals, etc.) do not respond or if you are not pleased with their response, contact other individuals in the school system like the head of the school board or the school district superintendent.

If you are unable to make any headway with them, contact your elected officials, other parents, and parent organizations, such as your local parent teacher organization (PTA or PTO).

Can Parents Sue Their Child's School For Not Stopping Bullying?

Lawsuits are long and complex and should be looked at as a last resort option after you have exhausted all other options. Under Connecticut law, when a school district fails to take immediate and appropriate action to prevent bullying, parents may sue the school district on behalf of their child if:

- ⇒ The school district's action (or failure to take action) was mean or with an intent to injure the child
- ⇒ The statute that allows for a lawsuit also allows a lawsuit against a city/town or official for failure to enforce certain laws



- ⇒ The school officials knew, or should have known, that their failure to take action would subject a particular child to imminent harm. Imminent harm means a harm that is likely, temporary and limited in its geographic scope, such as ice on school grounds or tripping a student in the hallway.

What Can Schools Do?

Create or Improve Bullying Policies

Schools should review their bullying prevention policies to ensure that the following goals are reached:

- ⇒ Review the extent of the bullying problem at the school by giving an anonymous student survey
- ⇒ Increase the awareness of bullying problems at the school
- ⇒ Identify the children who are being bullied and the children who are bullying other children
- ⇒ Quick interventions with clear and consistent punishment for the child who is bullying other children
- ⇒ Follow-up with the child who is bullying to ensure that they are making changes to their behavior
- ⇒ Provide support and protection for the child who is being bullied
- ⇒ Establish clear rules against bullying, such as:
 - We will not bully other students
 - We will help students who are being bullied
 - We will include students who are left out
 - When we witness someone being bullied, we will tell a teacher or adult

Schools are must keep track of the number of verified acts of bullying and make those numbers available to the public. If you are curious how widespread verified bullying is at your student's school, you can request the numbers from your principal.

Make Formal Changes At The School

Here are more things schools can do to prevent bullying in school:

- ⇒ Provide better supervision in the hallways, bathrooms, lunchrooms, and playgrounds of the school.
- ⇒ Conduct a school survey to find out where students are being bullied, and use the survey to determine the locations where bullying is more likely to

occur. Install cameras in those areas, or provide more supervision in areas that are “hot spots” for bullies.

- ⇒ Provide more support for teachers with large numbers of students.
- ⇒ Provide training for staff members to help them learn more about the issue of bullying.
- ⇒ Develop clear rules for children that bully.
- ⇒ Create a buddy system to help protect students who have been bullied.

Bullying Laws in Connecticut

Connecticut schools have a responsibility to provide a safe learning environment. Federal and Connecticut laws require school districts to create bullying prevention policies and make competitive grants available for school districts to create anti-bullying programs.

Connecticut Laws

Under Connecticut law, local and regional school boards of education must include information on how bullying will be handled in their school codes of conduct. The school policy must:

- ⇒ Allow students, parents, or school staff to report acts of bullying in or out of school to teachers and school staff. The policy must allow for the anonymous reporting of bullying incidents.
- ⇒ Require school staff to investigate all reports of bullying filed by students, parents, guardians, or school staff, and develop an intervention strategy for school staff to deal with bullying.
- ⇒ Create a process that includes contacting the parents or guardians of bullies and the children who are being bullied. The notification must include a description of what the school staff will do in response to the bullying and any consequences if there is more bullying. Schools must also maintain a list of the number of verified acts of bullying in school and make the list available.
- ⇒ Create an intervention strategy that involves counseling and intervention, and that addresses repeated incidents of bullying against a single child or by the same child.

Federal Laws

The No Child Left Behind (NCLB) Act of 2001 requires states to address bullying and provides that:

- ⇒ Students in a persistently dangerous school, or a student who is victimized at school, can transfer to a safer school.
- ⇒ States report on school safety to the public.
- ⇒ School districts implement drug and violence prevention programs that show that they work.
- ⇒ Districts that get Safe and Drug-Free School funds have a detailed plan for keeping schools safe. The plan must include:
 1. Appropriate discipline policies
 2. Security
 3. Prevention activities
 4. Student code of conduct
 5. A crisis management plan for responding to violent events at the school

With racial and sexual harassment, the federal government's Office of Civil Rights (OCR) has policies that do not allow discrimination for any school activities that receive federal money.

Racial bullying can include:

- ⇒ Racially motivated physical attacks against a student or group of students
- ⇒ Racial slurs on school walls or other property
- ⇒ Racially hostile environment that limits the students ability to participate in school activities

In student bullying, sexual harassment can include unwelcome conduct of a sexual nature that is so severe, lasting, or pervasive that it affects a student's ability to participate in classes or activities.

In either case, schools that receive federal money must not allow a sexually or racially hostile environment to continue. Federal law requires schools that receive federal funds to designate at least one employee to oversee sex discrimination law and investigate complaints.

The Rehabilitation Act, Section 504, ensures that children with disabilities are not left out of educational opportunities given to other children. This includes the right

to a safe learning environment. Schools must ensure that children with disabilities are not in danger by other students, merely because they are disabled.

Closing

Bullying is an issue that affects children from all walks of life. By staying in regular contact with the school and keeping clear records of what happens, you can take an active role in combating bullying!

We hope that this booklet has provided helpful information. There is a great deal that you as a parent can do to eliminate bullying at your child's school!

Sample Letter: Reporting Bullying

Date

Principal's Name

School Name

Address

Re: Child's full name

Date of Birth

Dear Mr/Ms. _____,

My [**son/daughter**], [**child's name**], informed me that [**he/she**] has been bullied by a fellow classmate on several occasions. I am concerned that these incidents of bullying are negatively impacting my child's ability to learn and develop and would like to set up a meeting to discuss my concerns at your earliest convenience.

I am available to meet with you on the days and times listed below. Please contact me at [**phone number**], to set up a meeting.

Date:

Time:

Date:

Time:

Thank you in advance for your prompt attention to this issue.

Sincerely,

[**Your Name**]

Copies to: Child's record

Sample Letter: Thank You & Follow-Up Note

Date

Principal's Name

School Name

Address

Re: Child's full name

Date of Birth

Dear Mr/Ms. _____,

Thank you for taking the time to meet with me on [date] regarding my child's complaints that he/she has been bullied by another student in the school.

I appreciate your candor and your willingness to take action to address this issue. As we discussed, you have agreed to work towards making sure the bullying stops by doing the following:

- Investigating the reports of bullying
- [***Insert Action Plan***]
- [***Insert Action Plan***]

I look forward to meeting with you concerning these bullying incidents and your progress in addressing these issues at our next meeting on: [date].

Sincerely,
[***Your Name***]

Copies to: Child's record

Sample Letter: To School Board

Date

Principal's Name

School Name

Address

Re: Child's full name

Date of Birth

Dear Mr/Ms. _____,

My name is [**name**] and my [**son/daughter**] attends [**school name**]. I write to ask your assistance in addressing a series of bullying incidents at [**school name**], which have compromised my [**son/daughter's**] right to learn in a safe learning environment.

My child first told me that [he/she] was being bullied at the school on [**date**]. On [**date**], I met with my child's teacher and on [**date**] I met with my child's school principal about the incidents. To date, however, the bullying has continued. In my opinion, the school has failed to take the necessary actions to stop the bullying incidents. Specifically, the school promised, but has failed to do the following:

- [**Insert Action Plan**]
- [**Insert Action Plan**]

I am concerned for my child's safety, well-being, and ability to learn in this environment. As such, I would like to meet with you to discuss a way the school board could intervene to address these incidents of bullying.

Please contact me at [**phone number**], to set up a meeting. Thank you in advance for your prompt attention to this issue.

Sincerely,
[**Your Name**]

Resources

2-1-1: a free 24 hour phone help line from the United Way of Connecticut for people to get information, or to seek help in a crisis. Simply dial 2-1-1 or 1-800-203-1234 any time.

Connecticut Commission on Children

Bullying Resources

Website: <http://www.cga.ct.gov/COC/Bullying.htm>

Connecticut Parent Power

Statewide Parent Action Network that advocates in education and health care
105 Miller Street, Meriden, CT 06450

Phone: 203-645-6702

Website: www.ctparentpower.org

Email: ts@ctparentpower.org

Connecticut Parent Teacher Association Council

60 Connolly Parkway, Hamden, CT 06514

Phone: 203-281-6617

Website: www.ctpta.org

Email: connecticut.pta@snet.net

Greater Norwich Anti-Bullying Coalition

Phone: 860-823-3782 ext. 26

Website: <http://www.freewebs.com/bully-busters/>

Statewide Legal Services

Provides free/low cost legal representation

425 Main Street, Middletown, CT 06457

Phone: 800-453-3320

Website: www.slsct.org

Teach our Children

New Haven based advocacy organization

Phone: (203) 786-5499

Email: teachourchildren@hotmail.com