

Legislative History for Connecticut Act

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Bill Number: 5563
Senate Pages: Senate: 2997-3009 **13**
House Pages: House: 1805-1807 **3**
Committee: Education: 32-36, 45, 47-48, 49, 50, 61-63, 154, **28**
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some competition out there, the rates will finally begin to drop.

As you all know, this does have a direct impact on our cost of medical care, and a lot of our physicians are still leaving the state because they cannot afford to buy the insurance. Thank you, Mr. President.

THE CHAIR:

Will you remark further on the bill? Will you remark further on the bill? Senator Crisco.

SEN. CRISCO:

Mr. President, if there's no objection, I ask it be placed on the Consent Calendar.

THE CHAIR:

Without objection, the item will be placed on the Consent Calendar. Mr. Clerk.

THE CLERK:

Calendar Page 5, Calendar 423, File 285,
Substitute for House Bill 5563, An Act Concerning Bullying Policies in Schools and Notices Sent to Parents or Legal Guardians, Favorable Report of the Committee on Education and Appropriations.

THE CHAIR:

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Senator Gaffey.

SEN. GAFFEY:

Thank you, Mr. President. Mr. President, I move acceptance of the Joint Committee's Favorable Report and passage of the bill in concurrence with the House.

THE CHAIR:

On acceptance and passage, will you remark?

Senator Gaffey.

SEN. GAFFEY:

Yes, Mr. President. Mr. President and Members of the Circle, in 2002, this General Assembly adopted the state's first anti-bullying law.

We did so because every child in Connecticut is entitled to head off for school every morning without fear of being humiliated, intimidated, or bullied at the school.

What we've done in this bill is each and every board of education's policy that requires a process for anonymously reporting bullying acts will now have to also require that students are annually notified what the process is for anonymously reporting acts of bullying.

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The policy must now also pay particular attention to case-by-case intervention for repeated acts of bullying against a singular individual and repeated, recurrently perpetrated bullying by a single individual.

The bill expands the definition of bullying to include the harassment of a particular student, and it also expands the bullying law to include incidents that occur on a school bus.

And, Mr. President, we have heard ample evidence of bullying incidents on the school bus. Mr. President, I thought it was very poignant at our hearing that the Anti-Defamation League put in testimony and had a quote of a fourth grader, who spoke about his or her experience in the fourth grade and being bullied when the child moved to a new school.

The child was quoted as saying, when I was in fourth grade, I moved and had to attend a new school. Every day in every class, I would get picked on because of my weight, the way I talked, and now in a new school, even the way I walked.

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The names really hurt me. I was called many names, but the one that stands out most in my mind is horse. I would sit in front of the room trying to get my education, but what I was really learning was to hate myself.

I thought, Mr. President, that that testimony spoke volumes as to what can happen to a child in a classroom who is repeatedly humiliated, intimidated, harassed, and bullied.

This expansion of the current law, Mr. President, I think, goes a long way to addressing those incidents that, unfortunately, do occur in reality out there every day in our schools and on school buses. With that, Mr. President, I ask for support for the bill.

THE CHAIR:

Will you remark further? Senator Handley.

SEN. HANDLEY:

Thank you, Mr. President. In the past, we used to think about bullying sort of as the way we did sexual harassment. It's what life was all about.

As we have learned the impact of both sexual harassment and bullying, we understand that the results of this kind of behavior, both on the bullying

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person and the person who is bullied, are lifelong and can be absolutely horrendously damaging.

We understand that most of the kids who have been involved in violence in schools are kids who have either been themselves bullied or have been bullies.

It is the victim and the aggressor, in all cases, are markers for much more serious, I shouldn't say more serious because this is a pretty serious thing, but for potentially violent and damaging activities. So I congratulate the Education Committee and the work that it's done in this area.

THE CHAIR:

Will you remark further? Will you remark further? Senator McKinney.

SEN. MCKINNEY:

Thank you, Mr. President. I rise in support of this bill and want to thank Senator Gaffey for his work. This is a very important and logical extension of our current law on bullying. And just to point out that, I guess some might call this a mandate, not all mandates are alike.

And it is important that we recognize that the school bus is very much part of the school day for our

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kids, and that our schools need to be aware of and responsible for what's happening on the school buses.

It is important that our schools educate kids and parents that it's okay to come forward if you're bullied because so many kids are afraid to come forward because of the fear that it will bring on further bullying of them.

And I also think that it is important that we say to our school districts that if repeated bullying is happening, you must step in. So I want to thank Senator Gaffey. This makes a very good law even better, and I'm proud to support it.

THE CHAIR:

Thank you, Senator. Will you remark further?
Senator Kissel.

SEN. KISSEL:

Thank you very much, Mr. President. Good morning to the Ladies and Gentlemen of the Circle. At the outset, I wanted that we had drawn an amendment regarding an issue where I think there was agreement, that amendment being 4682, but I'm not going to call that amendment in the interest that maybe we can work those issues out regarding those judiciary matters.

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And I really like the underlying bill. I recall a few years ago, and I couldn't tell you if it was Peter or Paul, but it was one of the gentlemen--

THE CHAIR:

Peter.

SEN. KISSEL:

It was Peter that came and sang to us and spoke to us in the dining room--

THE CHAIR:

I suppose, in fairness, we should say Peter Yarrow, just in case.

SEN. KISSEL:

Peter Yarrow?

THE CHAIR:

Yes.

SEN. KISSEL:

I have to say that I recall that morning, and he raised the visibility of an issue regarding bullying. And it's amazing to think that in the year 2006, we still have to get our arms around that issue, but we do.

When I was in law school, when I had some weeks off, I didn't have the ability to go to Florida during

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Spring Break, and stuff like that, so what I was able to do was to be a substitute teacher during some of those times off, make a little extra money.

And it's funny that no matter how old you are, if you go back into a school, and that was in the school system where I went to school, the Windsor School System, no matter what age you are, you immediately feel like you're back in high school again, or even if it's a junior high school, junior high school.

And I have to tell you, as much as I hung out with some really nice kids, we were never the biggest kids in the school, and we were never the most aggressive kids in the school, and some of those feelings of trepidation still come right over you.

I can't imagine anything worse than being fearful of going to a place that should be a wonderful learning experience. You know, bullies just steal other children's childhood, and it's so completely unfair.

And I think some of those things carry with you for the rest of your life. I'm not going to say anything great or tragic happened to me, but I

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certainly was a witness to kids being really cruel to other kids.

I mean, really, if you look about it to when we were back in school, no one could be crueler than a kid. No one could be crueler than another kid on a kid, and it doesn't have to be physical. It doesn't have to be a fight.

It can just be pointing out something that's, you know, if the kid is overweight, or too tall, too short, something tragic happened in their family, that's fair game.

Anything to get another kid's skin, anything to do that. I don't know why some kids are predisposed that way.

You know, the more you look into this, the more you research it, there's incidents that come to mind where, in fact, I was talking to a colleague not too long ago, and she indicated that her husband's mom really had some serious issues.

There was a divorce, and the children basically stayed with the dad, and you wonder why she had this relationship with the kids. It went back to how she was raised, you know, really bad things.

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So you wonder with these kids that are bullies, you know, do they go home to an environment where, either mom, or dad, or one of their siblings is really brutal and mean to them, and they're sort of acting out what they see and what they learn?

So anything that we can do to get our arms around this is a good thing. It's a serious issue. It definitely affects parents and those caring for the children, and it affects the children themselves.

I really want to commend Senator Gaffey for moving forward with this particular legislation, and, as I indicated, while ten minutes ago, I was intending to raise an amendment to tack onto this, at this point, I'll look for another vehicle in the spirit of brotherhood and sisterhood in our Senate Circle today. Thank you very much, Mr. President.

THE CHAIR:

Thank you, Senator. Senator Prague.

SEN. PRAGUE:

Thank you, Mr. President. Very briefly, I just want to stand here and support this very important piece of legislation. It can be so devastating for kids when they're picked on if they're short, if

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they're fat, if they're tall, if they have a blue eye or a brown eye.

Other kids find reasons to pick on them, and, really, it's lifelong lasting. So I really commend Senator Gaffey for bringing this issue forward.

When we're picked on as little kids, it's something that is very hurtful and something that stays with us. This is a good piece of legislation.

THE CHAIR:

Will you remark further? Senator LeBeau.

SEN. LEBEAU:

Thank you, Mr. President. I also would like to stand in support of this bill. As a schoolteacher, I see that this happens all the time in schools.

It's gotten better in some ways since we have taken steps in the past, but it's still a problem, particularly at the elementary level, but right up to middle school and through the high schools.

And you know, at one time, I'm not sure we needed this legislation, going back some years. We may have had stronger families and a better sense of manners, in the sense of the way we act toward each other and the way we treat each other.

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That seems to have broken down somewhat in our modern society, unfortunately. This bill is a good bill, and Senator Prague just hit the nail on the head, as did other speakers, that when a kid is hurt because of something about their physical appearance or whatever, and they're criticized by other kids, and demeaned by other kids, that lasts with them for their entire life.

That's something that's going to prevent them from reaching out. It's going to prevent them from growing. That's what schools are supposed to be for, for growth, for intellectual growth, for emotional growth, for social growth.

When we have this bullying going on, this harassment going on, that essential process of the school is stopped. So it's most appropriate that we would do this and put this in a school bill. Thank you, Mr. President.

THE CHAIR:

Thank you, Senator LeBeau. Will you remark further? If not, Senator Gaffey.

SEN. GAFFEY:

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Thank you, Mr. President. I thank the Members of the Circle, and let me take the opportunity right now to thank you, Sir, because you helped, in 2002, initiate this law.

This is going to be one of many, I'm sure, in the next 24 hours, that are going to remind me of your work in helping kids in Connecticut, and I'd like to thank you for that. With that, if there are no objections, I'd like to move this bill to the Consent Calendar.

THE CHAIR:

Without objection, the item will be placed on the Consent Calendar. Mr. Clerk.

THE CLERK:

Calendar Page 2, Calendar 318, File 120 and 441, House Bill 5616, An Act Concerning Screening for Kidney Disease (As amended by House Amendment Schedule "A"), Favorable Report of the Committee on Public Health. Clerk is in possession of an amendment.

THE CHAIR:

Senator Murphy.

SEN. MURPHY:

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Very nice.

(APPLAUSE)

SPEAKER AMANN:

Did he bring any lobsters with him? Any lobsters? Have any other announcements or introductions? Announcements or introductions? If not, will the Clerk please call Calendar Number 196.

CLERK:

On Page 12, Calendar Number 196, Substitute for House Bill Number 5563, AN ACT CONCERNING BULLYING POLICIES IN SCHOOLS AND NOTICES SENT TO PARENTS OR LEGAL GUARDIANS, Favorable Report by the Committee on Appropriations.

SPEAKER AMANN:

Representative Fleischmann.

REP. FLEISCHMANN: (18th)

Thank you, Mr. Speaker. Mr. Speaker, I move acceptance of the Joint Committee's Favorable Report and passage of the Bill.

SPEAKER AMANN:

Question is acceptance of the Joint Committee's Favorable Report, passage of the Bill. Representative Fleischmann, you have the floor, Sir.

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REP. FLEISCHMANN: (18th)

Thank you, Mr. Speaker. Mr. Speaker, the measure before us would do four simple things. First, it would require that students be notified annually of the process by which they make bullying reports.

Second, it would allow for case-by-case interventions addressing repeated incidents of bullying against a single individual. Third, it would ensure that these policies can include provisions to cover areas outside of the school, such as on a school bus or where children are walking to school.

And, finally, it would allow for noticing of parents who are not custodial guardians of children. This bill enjoys the strong support of both the State Department of Education and the Commission on Children and I hope that the entire Chamber will join me in supporting it. Thank you, Mr. Speaker.

SPEAKER AMANN:

Will you remark further? Will you remark further on the Bill before us? Will you remark further? If not, staff and guests, please come to the Well of the House. Members, will you take your seat, and the machine will be opened.

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CLERK:

The House of Representatives is voting by Roll
Call. Members to the Chamber. The House is taking a
Roll Call Vote. Members to the Chamber, please.

SPEAKER AMANN:

Have all the Members voted? Have all the Members
voted? If all the Members have voted, please make
sure your vote has been properly cast.

If all the Members have voted, the machine will
be locked and the Clerk will take a tally. Clerk,
please announce the tally.

CLERK:

House Bill Number 5563.

Total Number Voting	135
Necessary for Passage	68
Those voting Yea	133
Those voting Nay	2
Those absent and not voting	16

SPEAKER AMANN:

Bill passes. Will the Clerk please call Calendar
Number 150.

CLERK:

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SEN. GAFFEY: The Chair wasn't aware of this so. I'm going to observe right now. I've got a Senator, a Representative, a Commissioner and a Mayor. Okay if Senator Prague made me aware of her granddaughter. So I'm going to allow you to go but we need to summarize this as quickly as possible in your testimony.

I don't mean to rush you but this first hour is.

REP. ORANGE: We'll do it in three minutes sir.

SEN. GAFFEY: Okay, a little bit short would be good.

TONYA CUTLER: Though I agree that amendments to the current bullying statute in the form of Raised House Bill 5548 and 5563 would be beneficial, it does not include an appropriate definition, a description or policy against physical or mental abuse.

And I question the schools ability too honestly and effectively investigate incidents within their own schools. Over an eight-month period during the 2004-2005 school year, my second grade son had been verbally and physically assaulted several times by classmates.

These occurrences included hitting and grabbing his groin, hitting him in the face, punching his stomach, excuse me, shoving him and verbally threatening to do it again.

Due the schools ineffectiveness to prevent further harm to our son, we hired an attorney

and ultimately removed our son for his own safety.

With alleged acts of bullying being inspected by each school's own administration, the victim's fate lies within the schools bias investigation into themselves, having every reason to cover up these incidents so they don't have to report them to the state.

In my sons case the incident reports where falsified, inquiries were done poorly and in the schools best interest.

It would be beneficial to have an independent council free from biased members to determine verified acts of bullying and or abuse.

Even though the school failed to recognize that our son was bullied it didn't dismiss the fact that he was abused. If there isn't a law that defines abuse then schools are free from having to develop a policy and report these incidents.

Though similar in nature, abuse and bullying are separate issues both having long-term effects. It shouldn't take another Columbine to tell us that policies need to change and more needs to be done.

"Intent" is a small word with a powerful punch. For a child it could be the difference between a safe school year and an abusive one. In our situation it was the schools position that under the current definition our son was not bullied.

The problem lied with the schools interpretation of the other child's intent claiming that he was trying to befriend our son.

By omitting the word "Intent" and redefining the bullying meaning to read any overt acts by a student or group of students direct against another student [that] ridicules, etc., you give the power back to the victims instead of the aggressor.

Bullying shouldn't be determined by the offender's intent but by the victim's perception. The victim's feelings should always be held in the highest regard.

I have faith in your abilities to safeguard the children in the Connecticut public education system.

By protecting them, you continue to uphold the educational interests of our state. It's every student's right to learn in a safe environment free from mental and physical harassment and abuse. I ask you to take into consideration my concerns and incorporate them into this bill so that victims are shielded against all perpetrators.

SEN. GAFFEY: That is excellent testimony. This is an extremely serious matter and I really appreciate your testimony.

And it's a very difficult thing sometimes in law to define a particular behavior adequately

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that will serve the needs of victims in all cases.

TONYA CUTLER: I agree.

SEN. GAFFEY: And it just is a very difficult thing to do. I appreciate what you've gone through here, or I should say I empathize with it because it's just a tough situation when you have a kid that's being bullied and you know within the eyes of someone else it doesn't appear to bullying, but it is.

So we will work with you on this I assure you. With Representative Orange to try to get to the bottom of it. This is extremely serious matter. Thank you for coming today.

TONYA CUTLER: Thank you for your time.

REP FLEISCHMANN: Before you go I just want to convey my appreciation for your willingness to come forward.

Because one of the toughest things about bullying is that, for the victim and the victim's family, it's embarrassing and it's painful, and I recognize how hard it was for you to testify today.

We appreciate it. I'm wondering. Can you provide us with a written copy of your testimony?

TONYA CUTLER: Yes I did.

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REP FLEISCHMANN: Terrific. We're going to try and use that if we can to fine tune the bill. As the Senator said it's not an easy thing to do but we will certainly take your remarks into account.

Thank you, Representative Orange, for bringing your constituent forward today.

REP. ORANGE: Thank you, Representative Fleischmann.

SEN. GAFFEY: Representative Ryan followed by Senator Harris.

REP. RYAN: Good morning, Representative Fleischmann, Senator Gaffey. You have my written testimony so I will be brief.

I am here to join the chorus of individuals who are testifying in favor of Raised House Bill 5518, such as Representative Genuario, Representative Orange, Representative Googins.

This is an incredible program, the Connecticut Invention Convention. It challenges young minds to be inventive and creative.

As a college science teacher for 26 years I have come in contact with many young people who really have benefited from such a program in elementary school.

It helps to nurture interest in young students to get involved in the sciences and Representative Gennario had mentioned there is really a draught of individuals who are willing to do that.

MAYOR EDDIE PEREZ: Senator, as you know one of the things that we need to do is to not only have a system that will create equality when it comes to education but we need to also make sure that there's a lot of coordination and accountability in the system.

One of the reasons that I have established an Office of Children in the Mayor's Office is to focus on population from 0 to 8 years old.

Because if we lose them then redemption is a lot more expensive, you're right.

SEN. FONFARA: Thank you, Mr. Mayor.

SEN. GAFFEY: Thank you, Senator. Thank you, Mr. Mayor, appreciate you're time coming. Seeing no further questions, thank you for coming.

MAYOR EDDIE PEREZ: Thank you.

SEN. GAFFEY: Commissioner Sternberg, finally. Thank you for your patience.

COMM. BETTY STERNBERG: Thank you for the opportunity to be before you. We have submitted specific testimony in regard to each of these bills.

And rather than going through that, especially considering the time, I think I ought to just try to focus on four main areas.

One, I do want to focus on the Governor's bill relative to early childhood and charter

SB 47
SB 381
SB 407
HB 5563
HB 5547
HB 5511

We were very much involved. We have a person on our staff who is a nutritionist who worked with groups across the State, including doctors and other nutritionists to come up with an agreed upon set of guidelines.

And I think this will only work well. Healthy kids are also smart kids and it works for all of us.

Having spoken about that, when I talk about nutrition though I also think of the general areas, all the bills in front of you about health, our children's mental and emotional health, not just bills on their academic health.

And I would say to you certainly the bullying bill Raised House Bill 5563 goes again in the right direction. It expands, where we look at bullying to be clear that activities of bullying, actions of bullying that happen on the school bus be recorded.

That's very important. I can tell you as Commissioner the largest volume of letters that I receive are from mothers, parents who are registering great concern about things that are happening.

But as the Senator said it is very difficult in a piece of legislation to define that and then be sure that everybody is really on the same page about that.

So I would caution in the other bill that's in front of you to not focus as much on reporting of incidents so that people have to take time reporting incidents to us.

Your bill already requires a public disclosure of that the school district level, rather we want to focus on providing the leadership to towns to help address the issue in a preventative way, not unlike your nutrition bill.

Prevention goes the longest way to help stop what's going on. Your reading bill, Raised Senate Bill 407, which focuses on moving what we are doing with our youngsters in reading to lower grades.

SB 47

In other words your bill currently requires youngsters based on scores in four and six to go in summer school. We would prefer that we focus in on the lower grades, one, two, and three.

Because in fact we know that by third grade if youngsters are behind in reading they're going to be behind for a long, long time.

So we want to shift the emphasis. I need to tell you that I have a concern that we see in our four grade mastery test in reading in particular over time a direction that we're concerned about and this would be one of a number of items to help address that.

I might mention to all of you if you have children or if you have grandchildren you know

that this month is CMT Cap month. It's starting in every single grade, 3, 4, 5, 6, 7, 8, and 10.

And I should've mentioned that in fact the Governor's bill does have a provision in there that you need to think about relative to allowing State funding to fund and actually analyze the tests as they are.

SB 47

As you know there's a court case going on but we are not going to be in defiance of the federal law and in fact we are testing every single grade this month.

And finally, just about bills that are related to changes in the high school, particularly one on arts. We're very much advocates of being sure that our youngsters have a balanced comprehensive curriculum with the arts.

HB 5547

Currently, I can say to you this year, with a serious face that we have a group of about 50 interested education community people and people from business and industry meeting with us to develop recommendations about changes in the high school, high school reform.

It's a comprehensive view of the high school. They shortly will be presenting their recommendations and I would caution you to wait in terms of making any specific changes about half a credit or one credit or whatever until we receive that.

And it's our intention to bring their recommendations to the State Board and then the

State Board then to bring recommendations to you for significant change in the high school curriculum in the next session.

So with that I think I'll stop and open for questions.

SEN. GAFFEY: Thank you, Commissioner.

Commissioner, in the Hartford Current this morning there was an article that I thought was very unfair an allegation that was made in particular regard to our test scores and that the organization called the Education Trust out of Washington D.C. alleged that we have set a standard for NCLB than the scores students must reach under our annual CMT.

SB 407

And signaling and I'll use their quote, to teachers that they don't have to work as hard. I know that myself and Members of this Committee were very angry when they read that quote, in particular for those of us who've been in the trenches with No Child Left Behind since day one.

And I just wanted to give you the fair opportunity while we're live on CTN and with the public here to respond to this allegation that I think is just baseless. But you go ahead and put it in your own words.

COMM. BETTY STERNBERG: Yes. First of all it's irresponsible to make a comment like that. There is really is not a connection between our legitimate, raising legitimate concerns about the implementation of NCLB, we don't question the goals of it.

REP. CLEMONS: Ok, so hypothetical question would be if whoever came in numerically number three if they were submitted their application is there a follow up process that they have to do to, if they submitted application say third, can they be allocated or start first, you know what I'm trying to say?

COMM. BETTY STERNBERG: No, the way we do is with the school that came in first, let's say it was January, 2005, and there was a different application that came in January, 2006, we would go for the January, 2005 application first.

So they go in the order that they were submitted and approved. But once the State Board approves them there's a two year time with the idea that you know if everything that they put together if it hasn't actually been implemented in two years there may be changes, issues and so on, so we have to come, they have to come back and reapply.

REP. CLEMONS: Okay. Thank you very much.

SEN. GAFFEY: Representative Witkos.

REP. WITKOS: Thank you, Mr. Chairman. Good morning, Commissioner.

COMM. BETTY STERNBERG: Good morning.

REP. WITKOS: My question is regarding Raised House Bill 5563, it's the bullying bill. And we've had bullying on the books since February 1, 2003, and we're very definitive as to what the

policies will say, they shall do this, shall do that.

And in one of the areas was they shall include an intervention strategy for school staff to deal with bullying. So I'm curious as to why and actually the testimony that we heard earlier regarding what happened to the woman's son, draws concern to me now that we're directing a development of a case, by case intervention for recurrent, repeated bullying systems.

Is there an issue that's gotten to be at that level that we have to add this in State Statute?

COMM. BETTY STERNBERG: Well again, I think this is one of those, just like the nutrition bill, I hope we have a chance to talk more so that I can bring forward and you can specific issues that have come up and a reasonable legislative remedy for those issues.

SB 381

Sometimes it is difficult to legislate this. And more important for us to provide the leadership and we by the way have a new person on board who can do that to help towns work through what they can do to prevent this from happening.

REP. WITKOS: Well I'm glad that you answered that because I do have some questions regarding the other portion of the bill which says that things that happen outside of the school system, now we're going to pull into the school system and how it impacts.

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So I have some concerns but I'm more than happy to work with the Committee and you with that. Thank you.

SEN. GAFFEY: Representative Heagney.

REP. HEAGNEY: Thank you. Good morning, Commissioner.

COMM. BETTY STERNBERG: Good morning.

REP. HEAGNEY: I guess good afternoon now, I'm sorry. Your testimony, particularly regarding the Governor's budget recommendations regarding education did not seem to touch upon the Governor's recommendation with regard to ECS. SB 47

Is there a reason for that?

COMM. BETTY STERNBERG: In regards to ECS?

REP. HEAGNEY: ECS, yes.

COMM. BETTY STERNBERG: Well it's a, obviously, as you know, a pretty flat recommendation. It is what it is.

REP. HEAGNEY: Let me just call to your attention something that has greatly affected my community.

It's been the policy of the Education Committee until last year to fund all communities at least 60% of their ECS grant.

and his work on the Committee of Inquiry was historic.

And some day if he wants to be he will be one of the finest judges that ever sits in the State of Connecticut. Thank you very much and, Mayor, it's always great to see you.

BRIDGET FOX: And my mother-in-law is actually sitting here to.

SEN. GAFFEY: Thank you for your time.

MAYOR DANIEL MALLOY: Thank you very much.

BRIDGET FOX: Thank you very much.

SEN. GAFFEY: Is Natasha Pierre here? Okay, Elaine Zimmerman and then we're dispatched with all of the names there. Elaine.

ELAINE ZIMMERMAN: Thank you very much, Senator Gaffey, Representative Fleischmann, Members of the Committee. My name is Elaine Zimmerman with the Commission on Children.

You have my testimony and in the interest of time what I would like to highlight are a few slices on a few bills but mostly focus on reading.

You have before you today an act concerning reading programs. Connecticut is tempered by an overall downturn in reading scores. We actually are now the worst in the nation, in our poverty gap in proficiency.

SB 407

SB 47

SB 381

HB 5515

HB 5548

HB 5563

HB 5504

HB 5513

SB 375

is consensus of what needs to be done but we are not doing it.

You wrote some of the finest bills in the country on reading, they're not fully being implemented. So it's not as if we need a whole lot of new law, but might need a hearing just to look at what you wrote and that it isn't fully being implemented.

The only other very quick comment the obesity bills, the nutrition bills are wonderful. The only item that hasn't come up is body mass index. I'd like to recommend that that be added to whatever bill seems to be appropriate.

SB 381
SB 375

There have been concerns in the past that if we do BMI it might violate the confidentiality of the individual or stand out in a classroom.

We now know that there are ways to address BMI that would not violate any individual's particular history. It is now a requirement if I have a child going into the school system, just like vaccination, that you're doing my body mass index, so we can actually collect this data in total to see what kinds of problems we have without violating anybody's rights.

And then lastly one of the issues that come up in the bully bills before you was that I believe it was Commissioner Sternberg who articulated this, it's one thing to report, it's another thing to figure out what works.

HB 5548
HB 5563

None of these bills asks you to look at what's working so we can get the numbers but it doesn't mean we're doing the best practices.

There is a bill that was in the Select Committee on Children and we would recommend, it's Raised House Bill 5504, and it requires an on-bus person because parents are calling and no one's helping them when there's a bully incident but other departments other than education do have on-bus persons.

And it also requires the Department to look at what schools are doing that's working or not. So we look at the practice rather than the tattling. Thank you.

REP. FLEISCHMANN: Thank you, Elaine, for your testimony. And just for people who are in the audience or watching at home and who might not be as familiar, BMI does of course stand for Body Mass Index and is a basic measure that indicates whether someone's body mass is appropriate given their height and age and so forth.

SB 381

ELAINE ZIMMERMAN: Thank you.

REP. FLEISCHMANN: Representative Shapiro.

REP. SHAPIRO: Thank you, Mr. Chairman. Thank you for your testimony, Ms. Zimmerman. Can we go back to your testimony regarding for priority school districts.

SB 407

What you said gave me great pause. Essentially your saying our teachers, despite the

JOINT
STANDING
COMMITTEE
HEARINGS

EDUCATION

PART 2
294-587

2006

State of Connecticut
GENERAL ASSEMBLY



COMMISSION ON CHILDREN

Testimony of
Elaine Zimmerman
Executive Director
Connecticut Commission on Children

Education Committee
Public Hearing
March 3, 2006

Senator Gaffey, Representative Fleischmann and Members of the Committee,

My name is Elaine Zimmerman. I am the Executive Director of the CT Commission on Children. I am here today to speak on a few bills concerning early school success, school health and safety and parent engagement. In particular, I will speak on SB 376, An Act Concerning Full Day Kindergarten, SB 407, An Act Concerning Reading Programs in Priority School Districts, HB 5517 An Act Concerning Universal Preschool, HB 5513, and An Act Concerning Parental Involvement Reporting in School Profiles, and the child nutrition bills, (RB 381, 375), and HB 5563 and 5548 regarding bullying. HB5504

Early Reading Success -SB 407 improves our reading interventions for students. Specifically, the interventions for children with reading difficulty begin in grades one, two and three rather than four and six. Evaluations for a child with reading difficulty are not limited to mid-year evaluations and reading plans are to be implemented to ensure that the student receives prompt intervention. Parents are to be notified and engaged in the reading interventions. Summer school is required for a student who is not at grade level in literacy.

These steps are important. Children should be reading in grades one, two and three. If we wait until fourth grade, we will have missed the train. If we intervene just once a year after one evaluation the student's learning needs will have not been adequately addressed. But this is not enough.

Downturn in Reading Scores. CT is tempered by an overall downturn in reading scores for the state's fourth-graders on both the national test and the state's Mastery Test in 2005. In 2005, Connecticut ranked worst in the nation in "poverty gap in proficiency" on the NAEP tests. The state's fourth-graders once topped the nation in reading scores, but last year fell behind children in Massachusetts.

We have two suggestions to amend Raised Bills 381 and 375.

Recommendation #1: Statewide Obesity Trend Data

We strongly recommend that language be added to the legislation before you to measure statewide and local progress toward reducing the incidence of childhood obesity. You will notice that this testimony began with statistics, but there were no Connecticut youth obesity statistics. That is because no such official statistics exist. The state has only limited unofficial statistics from individual communities and broad statewide estimates based on national data.

We should chart our state's progress in preventing obesity by providing for statewide Body Mass Index (BMI) data collection and analysis. According to the Centers for Disease Control and Prevention, BMI-for-age is the best way to measure student progress. In Connecticut, SDE already asks pediatricians to fill in each student's BMI on the school health assessment form.

The attached language ("Recommended childhood obesity legislative language on statewide Body Mass Index (BMI) data collection") would create a partnership between the schools, SDE and DPH to use the school health assessment form data to chart annual BMI trends for students. This would be aggregate data – completely confidential and without any health "report card" – as the state already does for asthma and immunization. We strongly encourage the Committee to add this language to the legislation.

Recommendation #2: State Childhood Obesity Council

We also recommend that the Committee add language from a 2005 bill that would create a statutory state childhood obesity council (Substitute H.B. 6631, File Version 203). This legislation would support the emerging DPH-COC partnership by drawing government and non-government leaders together to help implement a common strategy to prevent childhood obesity. Other states have taken a similarly comprehensive approach to coordination on this issue.

Anti-Bullying Legislation. The students and parents of Connecticut want safe, caring communities and schools. Learning without fear should be a right of every student in Connecticut. All school activity should be carried out with the fundamental values of respect, tolerance and safety.

HB 554
HB 556

Bullying is an all-too-common and harmful form of violence among children that threatens that safe learning environment. Bullying among primary school children has been identified as one precursor to more aggressive and sometimes violent behavior in later grades.

In Connecticut and throughout the United States, bullying is a very serious issue:

- Fourteen percent of U.S. schoolchildren reported being the victims of bullying within the last six months. Of those students who reported lower grades, victims of bullying were more likely to report receiving D's and F's than their no bullied counterparts (U.S. Department of Education, 2005)
- In Connecticut, bullying has increasingly been linked to youth suicides, according to the Child Advocate.
- A 2002 U.S. Secret Service report that found that bullying had played a major role in several school shootings.
- More Connecticut parents are turning to courts to sue schools when bullying issues are not resolved.
- Bullying that occurred on a Stonington school class trip to Washington, DC resulted in the town's insurer seeking to have parents of the bullies pay some or all of damages if the school was found liable.

Raised Bill 5548, *An Act Concerning School Reporting of Bullying Incidents*, follows up on the 2002 anti-bullying law (CGS § 10-222d) that required schools to enable reporting of bullying acts, to maintain a list of the number of verified acts of bullying and make the list available for public inspection, to institute bullying policies and an intervention strategy, and to take other steps to address bullying.

R.B. 5548 would require school principals to report verified acts of bullying to the local board of education. It would require each board to report the number of such acts in each school to SDE.

Under current law, schools keep data on the number of incidents. This tells us almost nothing about the content or effectiveness of the school's bullying policies and practices.

Our concern with R.B. 5548 is that, taken alone, the bill focuses attention on the number of acts of bullying and fails to strengthen the implementation and analysis of effective anti-bullying policies.

To that end, we would urge the Committee to support Raised Bill 5504, *An Act Concerning A Safe Learning Environment For Children And Youth*, which calls on SDE to conduct regular analysis of the effectiveness of bullying policies, distribute information about best practices in addressing bullying, and document what technical assistance and training are needed by school districts in order to achieve a safe learning environment. R.B. 5504 would also establish an SDE Ombudsperson to help resolve parent complaints about bullying and would help schools implement best practices through the state's Safe Learning Grant Program.

Without a state-level review and analysis of the school policies on bullying instituted over the past four years, we lack data on what research-based models have been used by schools and on how their policies and practices have impacted the school environment. An Ombudsperson would provide parents of children affected by bullying with assistance to help address problems by working with schools. This assistance could in fact reduce the incidence of lawsuits. Re-funding the Safe Learning Grant Program would provide competitive grants to assist school districts in developing a school environment where children learn in safety without fear of physical or verbal harm or intimidation.

Raised Bill 5563, *An Act Concerning Bullying Policies in Schools and Notices Sent to Parents or Legal Guardians*, would require students to be notified annually of the process by which they may make anonymous reports of bullying, include school buses as a possible place in the definition of bullying, and apply school bullying policies to bullying outside of the school setting if it has a negative impact on a student's academic performance or safety in school. The bill would direct school boards to develop case-by-case interventions for addressing repeated incidents of bullying by or against a particular individual. It would require that a parent with whom a student does not reside shall receive all school notices sent to the other parent.

The Commission on Children strongly supports R.B. 5563, especially if it is passed in conjunction with R.B. 5504. R.B. 5563 would improve the school's internal response to bullying. R.B. 5504 would improve the state's response and the level of assistance available to schools on this issue.

Conclusion

Thank you for this opportunity to present the views of the Commission on Children on these important bills. We look forward to working with the Committee to ensure that every child has a healthy and safe start in life.

**JOINT
STANDING
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HEARINGS**

EDUCATION

**PART 3
588-896**

2006



Connecticut Association of Boards of Education, Inc.

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**Testimony
Submitted to the
Education Committee**

March 3, 2006

The Connecticut Association of Boards of Education is concerned that several of the bills before you today would create unnecessary additional mandates on public schools. Specifically, CABE urges you to oppose the following bills:

- SB 383, An Act Concerning CPR Training And Automatic External Defibrillators, which would add a new mandate to the program of instruction required in the public schools by requiring "education that may lead to certification and cardio pulmonary resuscitation.
- HB 5563, An Act Concerning Bullying Policies In Schools And Notices Sent To Parents Or Legal Guardians, which adds to the existing requirements with respect to bullying in schools. We are also concerned that section two of this bill, which requires schools to mail all notices to parents or legal guardians with whom the student does not primarily reside, may interfere with court orders restricting access by non custodian parents.
- HB 5517, An Act Concerning Universal Preschool, creates an overwhelming mandate on towns by requiring them to offer preschool to all three and four year olds. CABE strongly supports the expansion of preschool so that all needy students, regardless of where they live, have access to a quality preschool program. However, this proposed mandate poses an extensive responsibility on towns, which lack the facilities and staff, without providing resources.
- HB 5520, An Act Concerning Democracy Education In Elementary Schools, unnecessarily defines the curriculum content by proposing to mandate that every fourth and fifth grader take part in a program of participatory democracy. The decision as to what grade the content is delivered should be determined at the local level.
- HB 5513, An Act Concerning Parental Involvement Reporting In School Profiles, proposes to create another reporting mandate on school districts, which is unlikely to fulfill the goal of increasing parental involvement. Requiring that regular, "two-way communication among administrators or teachers or members of the board of education" be reported will not provide reliable, meaningful data.
- HB 5515, An Act Concerning The Best Program, which would make compensation, hours and duties of mentor teachers subject to collective bargaining. Mentor teachers serve as part of the state certification process, and their compensation and duties should not be part of the local bargaining process.
- HB 5547, An Act Concerning The High School Graduation Requirements And The Arts And Vocational Education, which would limit course choices for students and increase local staffing costs.

CABE supports several of the bills before you today which would provide increased flexibility or funding to school districts. Specifically, CABE supports:

- SB 384, An Act Concerning Testing Start Times, which would repeal the existing legislation prohibiting the administration of statewide examinations prior to 9:00 a.m. As many of you are aware, the existing legislation has resulted in a reduction in instructional time in many schools due to scheduling logistics.



STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION



EDUCATION COMMITTEE
MARCH 3, 2006

TESTIMONY OF
DR. BETTY J. STERNBERG, COMMISSIONER OF EDUCATION
ON

RAISED BILL 5548

AN ACT CONCERNING SCHOOL REPORTING OF BULLYING INCIDENTS

AND

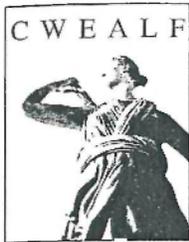
RAISED BILL 5563

AN ACT CONCERNING BULLYING POLICIES IN SCHOOLS AND NOTICES
SENT TO PARENTS OR LEGAL GUARDIANS

The Department of Education supports Raised Bill 5563 which will strengthen school bullying policies. Under current law, local and regional boards of education are required to adopt policies to address bullying in schools and must address certain issues in these policies. Raised Bill 5563 adds to those provisions, broadens the definition of "bullying" to include overt acts intended to harass and bullying that takes place on a school bus. This bill also permits a board of education to include in its policy bullying that occurs outside of the school setting if it has a direct and negative impact on a student's academic performance or safety in school. The Department of Education supports this bill.

Raised Bill 5548 proposes that verified incidents of bullying be reported to the Department of Education. We do not support this proposal as we are not clear what the Department would do with this information. Moreover, the current law already requires that school districts maintain lists of verified acts of bullying and make the lists available for public inspection. It appears to us that with this provision, information regarding bullying is available at the local level and that rather than expend time collecting information from districts, Department of Education efforts can be directed to assisting districts with bullying issues.

We support Section 2 of Raised Bill 5563 as it addresses an issue about which we do hear complaints when parents are divorced. Parents with whom children do not primarily reside sometimes have difficulty getting school notices that are provided to parents with whom children do primarily reside. This proposal would require districts to mail such information to the parent with whom the child does not primarily reside if requested annually. We support it.



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Education Committee

H.B. No. 5548 An Act Concerning School Reporting of Bullying

H.B. No. 5563 An Act Concerning Bullying Policies in School and Notices Sent to Parents or Legal Guardians

March 3, 2006

Submitted by Alice Pritchard, Executive Director, Connecticut Women's Education and Legal Fund

Good morning. My name is Alice Pritchard, and I am the Executive Director of the Connecticut Women's Education & Legal Fund (CWEALF). CWEALF is a statewide non-profit organization dedicated to empowering women, girls and their families to achieve equal opportunities in their personal and professional lives. Throughout our 32-year history we have worked to ensure that all students have a safe learning environment regardless of their gender or sexual orientation.

I am here to urge you to support HB 5548 – *An Act Concerning School Reporting of Bullying Incidents*. This bill will have a positive impact on Connecticut students and will have a particularly strong impact on young women and students who identify as Lesbian, Gay, Bisexual, Transgender or Questioning (LGBTQ) by providing accurate reporting on the climate in which students are learning.

Studies such as the American Association of University Women's (AAUW) Hostile Hallways Report, published in 2001, and the Gay, Lesbian and Straight Educational Network's (GLSEN) National School Climate Survey, published in 2003, focused on how bullying manifests itself in regard to girls and LGBTQ youth. According to those studies, those particular populations are victimized at a rate of over 75%. In Connecticut schools during the 2003-2004 school year, there were over 37,000 reported disciplinary actions according to data gathered by the Connecticut State Department of Education. Over 4,000 actions were categorized as non-sexual bullying, with an additional 857 defined as sexual harassment.

Out of the same concern for students, I urge you to support HB 5563 – *An Act Concerning Bullying Policies in Schools and Notices Sent to Parents or Legal Guardians*. While this bill is well intentioned, and makes several important modifications to Section 10-222d of the General Statutes, such as adding harassment to the definition of bullying, there are two sections to which I would like to direct your attention.

The end of Section 1 allows boards of education to create policies concerning bullying that occurs "outside of the school setting". Admittedly, behavior that happens outside of school can have a negative impact on a student's academic performance; however, the reality of regulating behavior outside of

school presents a variety of legal and logistical challenges. I simply ask that the Committee take this into consideration when refining HB 5563.

Secondly, Section 2(b) explicitly allows the parent or legal guardian with whom the child does not primarily reside to request, and be provided with, all school notices that are provided to the parent or legal guardian with whom the student does primarily reside. I have concerns that this addition does not adequately protect children and families who live with the ongoing threat of domestic violence. I ask the committee to limit access to parents or legal guardians who have been awarded some level of custody or visitation, thereby excluding violent parents who may misuse this information to further terrorize their families.

CWEALF has had the opportunity to speak to students and youth about their experiences in schools. And what we have heard supports much of the research provided. Once students see that their schools are seriously addressing the verbal and physical violence they experience, they can concentrate on their education. On Tuesday, February 28, we also had the opportunity to testify on HB 5504 – An Act Concerning a Safe Learning Environment for Children and Youth in front of the Select Committee on Children. This bill had similar provisions however, it called for a stronger roll for the State Department of Education (SDE) in analyzing reports and provides support to parents and students. We urge you to reflect on this bill and support the measures included.

Connecticut *can and should* take the actions outlined in these bills. By supporting HB 5548 you are strengthening the reporting mechanisms necessary to tackle bullying. And by supporting HB 5563 you are refining the definition of bullying and empowering parents to be more involved in their children's school experience. For these reasons I urge you to support HB 5548 as written, and HB 5563 with attention to my suggested modifications. Thank you for your time.

TESTIMONY OF THE ANTI-DEFAMATION LEAGUE
IN SUPPORT OF BILLS NO. 5548 & 5563
AN ACT CONCERNING SCHOOL REPORTING OF BULLYING INCIDENTS AND
AN ACT CONCERNING BULLYING POLICIES IN SCHOOLS AND
NOTICES SENT TO PARENTS OR LEGAL GUARDIANS

EDUCATION COMMITTEE
MARCH 3, 2006

"I moved when I was in 4th grade and had to attend a new school. Everyday, in every class, I would get picked on because of my weight, the way I talked, and now in the new school even the way I walked. The names really hurt me. I was called many names, but the one that stands out most in my mind is "Horse". I would sit in the front of the room trying to get my education, but what I was really learning was to hate myself."

- CT student participant in ADL's *Names Can Really Hurt Us* program

Good morning. My name is Michelle Pincince and I am the Director of the Anti-Defamation League's A WORLD OF DIFFERENCE® Institute. The voice you just heard was just one of the thousands of Connecticut students who have participated in ADL's *Names Can Really Hurt Us* high school assembly program. This student's voice reflects the powerful impact that bullying has on Connecticut children every day.

The ADL's A WORLD OF DIFFERENCE® Institute is a leading provider of anti-bias education programs in the state. Through the diversity training workshops we provide for students, teachers, administrators and parents, we have extensive, first hand information about the pervasiveness of teasing and bullying in schools and the impact that it has on students.

We recognize that bullying is a serious issue in schools and requires a multi-layered approach to properly and effectively address the problem. It requires both proactive educational interventions, as well as, comprehensive responses that support the target, provide appropriate consequences and education to the perpetrator, and involve parents and schools working together.

Education is key to changing behaviors and school cultures. Therefore, we believe that any legislative interventions to address the issue of bullying in school must focus on providing funding for training programs to help school staff learn effective interventions and to provide students with skills to move from being bystanders to becoming allies.

We also recognize the importance of meaningful reporting of incidents of bullying which occur in schools. Students should be made aware of the procedures that are available to them in the event that they are the victims of bullying. Parents of both targets and perpetrators must also be fully informed and involved in the response to these incidents.

We endorse legislation that supports collaborative efforts between schools, families and community based agencies to help address the problem of bullying. We support the development of resources at various levels to educate students, parents, school staff and administrators to both properly identify bullying incidents and to seek ways of resolving it when it presents itself.

Though it is not the role of the legislature to micromanage how schools respond to bullying, it is up to the legislature to: 1. Do as they have done - make it clear that bullying is a serious issue and schools have an obligation to provide a safe learning environment. 2. Provide resources to teachers and administrators through funding for training and curriculum, so that the issue is properly addressed. 3. Ensure proper reporting and analysis of the policies and practices schools have implemented, so that best practices can be shared and training needs can be more accurately assessed.

We support the state's efforts to address this critical issue, because, in the words of the student I quoted earlier, no child should have to sit in the front of the room trying to get their education and instead learn to hate them self.

Public Hearing Date: March 3, 2006

House Bill # 5548 AN ACT CONCERNING SCHOOL REPORTING OF BULLYING INCIDENTS.
House Bill # 5563 AN ACT CONCERNING BULLYING POLICIES IN SCHOOLS AND NOTICES
SENT TO PARENTS OR LEGAL GUARDIANS.

Though I agree that the amendments to the current bullying statute in the form of House Bill 5548 & 5563 would be beneficial, it does not include an appropriate definition, a description or policy against physical or mental abuse, and I question the schools ability to honestly and effectively investigate incidents within their own schools.

Over an 8-month period during the 2004-2005 school year, my second grade son had been verbally and physically assaulted several times by a classmate. These occurrences included hitting and grabbing my son's groin, hitting him in the face, punching his stomach, shoving him, and verbally threatening to do it again. Due to the school's ineffectiveness to prevent further harm to our son, we hired an attorney and ultimately removed him for his own safety.

With alleged acts of bullying being inspected by each school's own administration, the victims fate lies within the school's bias investigation into themselves having every reason to cover up these instances so they don't have to report them to the state. In my son's case, the incident reports were falsified; inquiries were done poorly, and in the school's best interest. It would be beneficial to have an independent council, free from bias members, to determine verified acts of bullying and or abuse.

Even though the school failed to recognize that our son was bullied, it doesn't dismiss the fact that he was abused. If there isn't a law that defines abuse, then schools are free from having to develop a policy and report these incidents. Though similar in nature, abuse and bullying are separate issues both having long-term effects. It shouldn't take another Columbine to tell us that policies need to change and more needs to be done.

"*Intent*," it's a small word with a powerful punch. For a child, it could be the difference between a safe school year and an abusive one. In our situation, it was the school's position that under the current definition, our son was not bullied. The problem lied with the school's interpretation of the other child's intent claiming that he was trying to befriend our son. By omitting the word [*intent*] and redefining the "bullying" meaning to read: any overt acts by a student or a group of students directed against another student [*that*] ridicules, etc., you give the power back to the victims instead of the aggressor. Bullying shouldn't be determined by the offender's intent, but by the victim's perception. The victim's feelings should always be held in the highest regard.

I have faith in your abilities to safeguard the children in the Connecticut Public Education system. By protecting them, you continue to uphold the educational interests of our state. It is every student's right to learn in a safe environment, free from mental and physical harassment and abuse. I ask you to take into consideration my concerns and incorporate them into this bill so that victims are shielded against all perpetrators.

Thank you for your time and consideration.

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