

Report Narrative

Introduction

This narrative is intended to meet the charges set forth in Section 7 of CT Public Act 21-95. To do so, we have provided a history of the nation's passage of anti-bullying statutes, as well as what has explicitly happened in CT. In order to understand the connections among our anti-bullying legislation, school climate improvement, Restorative Practices, school climate standards and model policies that may pertain to any/all of these interrelated areas, we have outlined some of the most significant unintended negative consequences of our two decades of anti-bullying legislation. A critical analysis of the concept of "bullying" is also included as a way to gain understanding as to why CT's anti-bullying legislation has never been able to address the problem adequately; there are inherent conceptual, linguistic and practical problems with the concept and phenomenon itself: despite the best intentions, in a phrase, *any* anti-bullying legislation 'never had a chance.' This is true nationally, and CT has a very real opportunity to lead the nation in tackling the problem of "bullying" in schools by strategically outlining for schools what they must create (safe schools, writ large), rather than what they must eliminate ("bullying").

To understand the greater landscape, we have also clarified what is referred to as school climate, school culture and Restorative Practices. Additionally, we bring forth the importance of using standards and policies as a way to guide practice and why adoption of the National School Climate Standards and CT's Model School Climate Policy statewide has the real potential of honoring the *spirit* of two decades-worth of anti-bullying legislation and experiencing actual positive movement toward diminishing and even eliminating "bullying" in CT schools. We end with a series of very concrete recommendations, including taking a hard look at what pre-service teacher preparation programs are required to include. We believe that some of the existing requirements are out of date and others, such as this work, should be included. We must 'get ahead of the curve' and not be relegated to fixing problems that should not be problems in the first place.

Preface and "Charge"

CT Public Act 21-95 contained a variety of components, among them, those articulated in Section 7, requirements never before statutorily mandated. This new section is a welcome development in the nearly two decades the CT legislature has worked diligently to diminish, if not eliminate "bullying" in schools. We believe that this would not have been legislated if previous anti-bullying statutes had provided the intended significant relief. The explicit directives in Section 7 are to:

- (1) review sections 10-222d to 10-222p, inclusive, of the general statutes relating to bullying and safe school climate plans,
- (2) make recommendations concerning
 - (A) amendments to said sections 10-222d to 10-222p, inclusive,
 - (B) the inclusion of restorative practices in safe school climate plans, and
 - (C) state-wide adoption of the National School Climate Standards, and

(3) provide technical assistance and support to local and regional boards of education in adopting and implementing the Connecticut Model School Climate Policy, policy number 5131.914.

The report is intended to meet the requirements of CT Public Act 21-91, Section 7.

Statement of Purpose and Assumptions

It is our belief that since the first time CT passed an anti-bullying statute on July 1, 2002 (P.A. 02 – 119), that there is universal consensus that “bullying” in schools is not acceptable and that each and every student and the adults that work with them deserve to work, learn and socialize in environments free from any kind of mean-spirited behavior, including but not limited to bullying and harassment¹. This is what we refer to as the *spirit of the law* (its goal/intent). In other words, all school community members should be in schools with positive and safe (physically, emotionally, racially, culturally, intellectually, etc.) environments. It is also assumed that had any of the legislation passed in CT over the past two decades to achieve this critically important goal been successful, there would have been no need to amend legislation at least six (6) times prior to this point in time leading to the passage of CT P.A. 21-91, Section 7. It is this set of assumptions² that guides this report.

History of Legislation

Prior to the tragedy at Columbine High School in Littleton, CO, on April 20, 1999, not one state in the country had an anti-bullying law³. Wide-spread publicity and news reports pertaining to “Columbine,” explicitly mentioned “bullying” as a potential contributing factor resulting in unspeakable death and injury. Approximately 2 – 3 months after Columbine, the first in the nation anti-bullying statute was passed in GA in 1999. NH followed that lead and passed the second in the nation anti-bullying statute in 2000. Five states followed GA and NH and passed anti-bullying laws in 2001 (CO, LA, MS, OR & WV). CT was among four states that passed anti-bullying statutes in 2002 (CT, NJ, OK & WA). Arguably, CT felt an urgency to pass P.A. 02-119

¹ The work/concept of “Harassment” is used in this report as shorthand for “Protected Class Harassment.” There are 18 federally recognized groups of people that have elevated support and protection at both the federal and state level. Those categories are sex, race color, religious creed, ancestry national origin, physical disability, mental disability, age, marital status, sexual orientation, gender identity, gender expression, learning disability, intellectual disability, genetic information, veteran status, prior criminal record (with certain exceptions). In CT, two additional groups are also protected: pregnancy and childbirth and related conditions. What this means is that if a person is targeted or marginalized because of their membership in one of these categories, they can appeal to the state by contacting the CT Commission on Human Rights and Opportunities (CHRO) or the federal Office of Civil Rights (OCR). However, if a person is targeted or marginalized because of their socio-economic status, appearance, weight, etc., such state and federal protections are not available. There may be overlap between what could be labeled, “bullying,” and what could simultaneously be determined to be “protected class harassment.” However, “bullying” and harassment can also stand apart.

² (1) Everyone wants to eliminate “bullying” in schools, and (2) Legislation to diminish/eliminate bullying in CT has not been able to achieve this goal.

³ The United States seems to be more interested in investing in *intervention* rather than *prevention* efforts. The country seems to wait until a problem is recognized and then work to ameliorate it. This can be seen in almost any area of American life. In the context of this report, we are pointing this out as it surfaces and will make recommendations accordingly,

after the tragic student suicide of J. Daniel Scruggs, a sixth grader in Meriden, who among many difficulties in his life was reported to have been the target of “bullying” in school. Three states passed anti-bullying statutes in 2003 (AR, CA & RI). In 2004, VT passed their first anti-bullying law. 2005 witnessed eight more states passing anti-bullying statutes (AZ, IN, MD, VA, TX, TN, ME & NV). By 2006, over half of the states in the nation had passed anti-bullying laws. Four more states passed their first anti-bullying statutes (ID, SC, AK & NM), bringing the total number of states to 27. In 2008, five more states passed anti-bullying laws (NE, KY, UT, FL & MO⁴). In 2009, three more states joined the other 39 (AL, NC & WY). In 2010, three of the remaining states passed their anti-bullying statutes for the first time (MA, NY⁵ & WI). In 2011 three states were added to the growing roster (HI, MI & ND). Only two states were hold-outs. SD passed their first statute in 2012 and as of September 2015, MT was the 50th state to pass an anti-bullying statute for the first time.

Not one state has experienced success in achieving the goal of diminishing/eliminating “bullying” through the passage of their respective anti-bullying laws, consequently, just like CT, after their first iterations, amendments by the dozens have been seen throughout the nation; too many to count. CT is illustrative of this phenomenon.

As mentioned earlier, CT has amended anti-bullying legislation at least six times subsequent to the first passage in 2002⁶. In each of these amendments, the definition of “bullying” changed, as if changing the definition would make it easier to tackle the problem. In fact, throughout the country this holds true. There are fifty different, current anti-bullying laws and there are fifty different definitions. There is a belief among ordinary people that “bullying” is one thing and that there IS an agreed upon definition. Unfortunately, this is flatly not true. Identifying “bullying” is highly subjective. If there were to be any kind of common understanding among experts of what “bullying” is, it is likely that the closest common understanding would be that “bullying” is **abuse of power in a school context**. Whether it must be intentional, patterned, student-to-student only⁷, where it occurs, etc., is arbitrarily assigned, and changes over time.

⁴ MO’s first iteration of their anti-bullying statute only targeted “Cyber-bullying” as a reaction to the tragic suicide of Megan Meier who was pursued online by an individual who she believed was a male peer she was interested in romantically. Online, that individual jilted her, and she reportedly was so upset, she ended her life. The individual responsible turned out to be a mother of an ex-girlfriend, who was found to be responsible and served prison time for this crime. In subsequent amendments, MO widened their anti-bullying statute to include all forms on “bullying.”

⁵ NY’s law followed the tragic suicide of Tyler Clementi, a gay Rutgers’s freshman who was exposed by peers and ended his life on September 22, 2010 by jumping off the George Washington bridge.

⁶ Those statutes are: P.A. 02-119, P.A. 06-115, P.A. 08-160, P.A. 11-232, P.A. 14-172, P.A. 14-232, P.A. 14-234, P.A. 18-15 and P.A. 19-166 prior to P.A. 21-95.

⁷ Without question, “bullying” is not a problem that only involves students. Adults can “bully” others. There is a long history of talking and writing about *workplace* “bullying.” Every year there have been anywhere from 10 – 20 % of the concerns brought to the CSDE specifically alleging that adults were engaged in “bullying.” These allegations ranged from teachers, administrators, coaches, etc. “bullying” students, to administrators allegedly “bullying” teachers or paraprofessionals, etc. Throughout the nation, the vast majority of individual state anti-bullying statutes stipulate that “bullying” can only be student to student. When adults treat others inappropriately the only accountability rests with the CT Codes of Professional Responsibility. In practice violations of the CT

And, because of these definitional variations, what counts as “bullying” in reports ranges anywhere from 5% - 50%⁸. In fact, in CT, the actual number of verified acts of bullying according to the CT State Department of Education (CSDE) amounts to 0.13% of CT’s entire student population in public, magnet and charter schools.⁹

Unintended Negative Consequences of CT Anti-Bullying Legislation (Some, But Not All)

CT anti-bullying legislation passed in 2002 and amended in 2006 and 2008 explicitly targets “bullying,” and articulates investigations procedures and allowable remedies that could be implemented once “bullying” is verified. In 2011, when sweeping changes to the previous amendments were legislated, a subtle but highly significant change in language was added. Prior to the passage of the 2011 version of CT’s anti-bullying statute, school districts were mandated to create **district anti-bullying policies**¹⁰. In P.A. 11-232, these **district** anti-bullying policies were given a name change: “Safe **School** Climate Plans”. If one reviews the specific set of elements required to be included prior to this name change and subsequent to it, **the elements do not change, only the label/title**. On one level, there is finally recognition that the quality of the school climate somehow impacts the landscape of “bullying.” However, despite the fact that as of July 1, 2011, the name of the policy changes, # 5131.911 remains explicitly about “bullying” and conducting “bullying” investigations. It is also curious and a negative unintended consequence that these **district** policies are now called **school plans!** Improving school climate *is* contextual and school-based, but in reality, # 5131.911 remains focused on district anti-bullying efforts. This has resulted in confusion at best and practical complications, at worst.¹¹

Also, in the 2011 legislation, P.A. 11-232, school **districts** were required to submit their “Safe School Climate Plans” to the CSDE for approval or denial. This requirement was ill-suited on multiple levels. First, policies such as # 5131.911 are never approved at the CSDE level; this is a local Board of Education task; the CSDE has no legal jurisdiction over this task. Second, because these in reality are **district** policies, informed by the law firms that represent them, the CSDE collected virtually identical policies!! If the intent was for the CSDE to collect, review and potentially weigh in on **school-based** safe school climate plans, which could have been a reasonable exercise, that never happened, nor could it have happened based upon what was

Codes of Professional Responsibility must be egregious such as sexual or criminal misconduct. Emotionally harming another person would never rise to the level of certificate revocation.

⁸ Importantly, this is not to deny that there is REAL “bullying.” There certainly is. “Bullying” has been written about for centuries and will continue to exist. However, this is not the problem. The problem rests in what “bullying” represents and how to, in practice, actually diminish the phenomenon, whatever its definition.

⁹ Private schools in CT have never been required to adopt the anti-bullying legislation.

¹⁰ These were codified in local Board of Education policies within the 5000-policy series. The CT Association of Boards of Education (CABE) awarded this a common policy number that every school district in CT uses: 5131.911.

¹¹ Schools understand that their contextual circumstances and differences due in part to their individual demographics will determine what true school-based climate improvement plans include. We believe that in making this name/title change school-based differences were recognized on some level, but without changing the requirements regarding what the newly named, “Safe School Climate Plan” contained, schools’ hands were and continued to be tied in creating true school-based climate improvement plans and shifting the focus away from the problem of “bullying” to the solution of creating positive school climates.

required to be put in these “Safe School Climate Plans” because in actuality they remained district anti-bullying policies (# 5131.911).

Another problematic and unintended negative consequence of requirements outlined in P.A. 11-232 rests with requiring schools to create Safe School Climate Committees. We believe the intention a noble one: to identify a standing committee (which could have been a preexisting one) to oversee efforts to improve school climate. Once again, however, the charges given to this committee as listed in the legislation were not appropriate, and IF implemented with fidelity as outlined in the legislation would have led participants to violate the federal Family Educational Rights Privacy Act (FERPA), and federal law always supersedes state statutes¹².

The legislation requires all school employees on an annual basis to complete training around bullying. We assume that the intention of this provision is to make sure that school employees are knowledgeable so that they would be ready to identify, report and intervene when students are either acting inappropriately or when students are targeted. In practice, however, the statute has never provided ‘what would count’ as “training.” The content or length of training sessions that exist vary widely and arguably have not impacted the landscape of “bullying” in any meaningful way. As a consequence, often the “training” has been no more than sharing the districts’ anti-bullying policy/Safe School Climate Plan during a faculty/staff meeting. For other districts, training has been more extensive ranging from a power point presentation that reiterate the district’s policy, and no more. For other districts attempts have been made not only to present the legal parameters but also to suggest intervention strategies. The bottom line is that “training” around “bullying” is different in every school district. And, in the knowledge that the lack of adequate training coupled with the lack of management training at the educator pre-service level, the recipe for change in practice is weak.

Educators, parent/guardians, legislators, among others have followed the changes in CT’s anti-bullying legislation with the goal of eventually “getting it right.” The changing definitions of “bullying” have attempted to clarify what “bullying” is and what it is not. In 2011 when the most sweeping changes to the previous three versions of legislation were implemented, it appeared as if the legislation attempted to clarify what would count as “bullying.” In that effort, differentiating characteristics which could be the reason(s) that an individual might be targeted are listed:

“Bullying shall include, but not be limited to, a written, oral or electronic communication or physical act or gesture based on any actual or perceived differentiating characteristic, such as 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

¹² FERPA, among other things, protects individual student records especially around discipline. The Safe School Climate Committee, which is required to have at least one parent as a member could not review and discuss “bullying” investigations as the statute articulates without violating FERPA.

individual or group who has or is perceived to have one or more of such characteristics;”¹³

Without explicitly commenting on this sample list of “differentiating characteristics,” some, but not all of them are also characteristics that are protected by state and federal statutes because individuals who are targeted are members of a protected class¹⁴. However, not all of the listed categories are protected by state or federal legislation, and therefore, the possible discrepancy is confusing at best and unfortunate at worse. The italicized and bolded categories in the section of the anti-bullying legislation do not have protected class status. “Bullying” that is not also protected class “Harassment” offers no oversight or appeal beyond the local school district. Not even the CSDE can be seen as anything more than a *resource* to school district faculty/staff and parents/guardians. “Bullying” allegations that fall outside of the state and federal protected class categories cannot be appealed, investigated or adjudicated anywhere other than the local Board of Education. Some frustrated parents/guardians have described this as “the fox guarding the hen house.”

Section 1 (1) (i – v) is another part of the legislation that is rife with confusion, frustration and has unintended negative consequences. Part of defining “bullying” focuses on the impact on the student and/or the environment:

“(i) Causes physical or emotional harm to such student or damage to such student's property, (ii) places such student in reasonable fear of harm to himself or herself, or of damage to his or her property, (iii) creates a hostile environment at school for such student, (iv) infringes on the rights of such student at school, or (v) substantially disrupts the education process or the orderly operation of a school.”

Once again, the intent is a beneficial one: to keep students safe and the climate positive. However, once this is put into practice questions linger. Who gets to choose whether a student demonstrates sufficient harm or is in “reasonable” fear? What counts as a “hostile environment,” or “substantially disrupts” aspects of the school? To each question the answer is the investigating school gets the decision power based on the investigation conclusions. Parents/guardians routinely are at odds with schools in making these determinations.¹⁵

¹³ CT Public Act 11-232, Section 1. (1) (v)

¹⁴ Please refer to the discussion in this report around Protected Class Harassment in The Statement of Purpose and Assumptions section and Footnote #1.

¹⁵ All too often, students do not want their peers or teachers to know when and how they are being treated inappropriately; they ‘mask’ or hide their emotions and circumstances in school, arguable because they don’t have solid relationships with their educators. Especially in upper elementary, middle and high school, students are targeted/harmed outside of the direct view of educators and it goes unnoticed, until and unless it is reported. When educators are not aware of what is going on and students do not report what is happening to them to at school and wait until they get home and tell their parents/guardians, this creates unfortunate misperceptions. Parents/guardians often believe that the situation is far worse that the school observes. Very simply, the school may not perceive the environment to be hostile or that the student is in reasonable fear or harm, when parents/guardians believe the complete opposite. Who gets to choose? According to the legislation, sole determination of these kinds of subjective determinations rests exclusively with educators in schools;

A subconscious, yet critical unintended negative consequence of the two decades of the CT legislation is that parents/guardians believe that if they don't 'wave the "bullying" flag that the school will not pay attention. Consequently, everything inappropriate that happens to a child immediately is alleged to be "bullying." And, when "bullying" is formally alleged, educators are obligated to launch a formal investigation. There is nothing inherently wrong with investigating "bullying" allegations; they should be conducted. However, this may be the only school or district issue that articulates such explicit investigatory steps that must be satisfied. Educators investigate all kinds of things, such as grade disputes, plagiarism, cheating, Covid-19 contact tracing¹⁶, violations of dress codes¹⁷, school property parking violations, accidents and vandalism, bus stop conditions, lost or purloined items from schools, adult issues (e.g., coaches conduct, teacher preferences), etc. All of these issues require no action or conferred labels until investigations have been completed. In most, if not all of the other matters that are routinely investigated, educators know what to do and how to come to reasonable conclusions without such detailed and onerous requirements.

On the flip side of this subconscious unintended consequence is that the legislation requires teachers to report instances of "bullying." How is this possible unless an investigation has already taken place? It is conceptually not possible to report something has happened if an investigation has not yet taken place that would confirm or deny that! What often happens in practice, then, is that teachers observe 'mean-spirited' words and deeds happening routinely, but because "bullying" is something thought to be severe and in their personal judgment

parents/guardians are not in any way equal partners in such decision-making. Educators may well be the right people ultimately to make these decisions, but relationships between and among educators and student's parents/guardians are significantly diminished in the process. This is not a good outcome.

¹⁶ Contact tracing is an example of investigating who may have been exposed to the illness. This task is directed not by the CSDE, but by the Department of Public Health (DPH). Schools investigate many different kinds of things. DPH directs school to conduct contact tracing but does not detail exactly how this process should be conducted. As with virtually all the other examples listed here, DPH trust schools to conduct these investigations without needing to articulate investigatory details.

¹⁷ Toward the end of this report under the section titled, The Importance of Restorative Practices: The Family Model, we explain a commonsense way of looking at what we do at school and home in terms of practices and strategies as needing to be "in sync." That is not to say that that there may well be family standards and values do not align with those of the school. So, for example with dress codes, if a female student wears a top with spaghetti straps that does not cover her midriff and that is not allowed in school, that the parents/guardians could complain to the school that they see nothing wrong with such dress. And, when that mother comes into the school to complain, *she* is so dressed. Homes and schools are at odds on many fronts (e.g., mask wearing, completing homework, missing school to go on vacation, etc.). What we are stressing is that methods that help children learn, grow and become successful academically and socially typically should be aligned. One such strategy that is falling out of favor in schools (and likely because we would not consider doing it at home), is the posting of "expectations" in hallways, classroom, cafeterias, bathrooms, over drinking fountains, etc. Families would never consider posting expectations in bedrooms, bathrooms, kitchens, etc. Marvin Berkowitz, Ph.D., in his book, [You Can't Teach Through a Rat](#), titles one of the chapters: "Why We Don't Do It In The Home," to make this important point.

doesn't rise to the level of being true "bullying," these low levels, yet impactful words and deeds are ignored.

Stemming directly from the toxicity of the term, "bullying," and the aversion for an individual to be labeled a "bully," as will be explained in the next section, it is exceptionally common once a student has been so labeled for that labeled student and/or the parent/guardian of the "bully" to file a counter allegation against the targeted student and 'turn the tables' arguing that it was actually the *targeted* student who was the original instigator, not the student who was labeled the "bully." When this situation happens (all too frequently) it is a nightmare situation for the school. This seemingly never-ending back-and-forth of accusations is paralyzing for administrators and creates a far greater problem between/among the alleged "bullies" and target(s). There is no provision in existing legislation for this eventuality and we are not arguing there should be! However, in practice what began as simple allegation, snowballs in complexity, which takes far more time and energy to quell. This just adds to the time it takes to 'get on the other side' of the issue and creates additional bad blood between the involved students and their parents/guardians.

The Nature of "Bullying"

In reality, "bullying" is a label/title and/or a conclusion of an investigation; **"bullying" is not a behavior.** Whenever someone alleges that "bullying" has occurred, a student claims that they've been "bullied," or a parent/guardian posits that their child has been "bullied," one *always* has to ask, "what happened?" because "bullying" is not a specifically labeled problem; yet it is the identified (mis)behaviors that need to be managed.¹⁸

Add to this, it is of utmost importance to recognize that any iteration of the concept, "bullying," ("Bully," Bullier", etc.) is a highly negatively charged word. No student wants to be called/labeled a "bully;" No parent/guardian will claim their child is a "bully, and no school happily admits that there is any bullying taking place in their school. The only constituent who embraces the term is the child/family members of the child who is the target. "My child has been bullied!!" This reality stems not from the fact that certain *behaviors* have been experienced; rather it is because of the connotation of the concept itself.

The Language of "Bullying"

Prior to Columbine, when students reported being harmed by peers, they described what happened to them; the behaviors: "He pushed me, "or "She wouldn't let me play with them," etc. Almost immediately after Columbine, brought on by the very public 'talk' around "bullying" and the subsequent and on-going passage of anti-bullying statutes, **everything became "bullying."** And when everything is "bullying," obviously, nothing is bullying. The same children who would have come in from recess or got off the bus feeling harmed, will now say,

¹⁸ Teasing, taunting, name-calling, pushing, shoving, excluding, threatening, making fun of, tripping, etc. are behaviors. "Bullying" is merely a label that one attaches to the behaviors. And, because according to our legislation (an unintended negative consequence) "bullying" is only determined subsequent to a formal investigation has occurred, merely alleging or labeling something "bullying" does not mean that certain negative behaviors *will* be labeled, "bullying."

“He bullied me!” or “She bullied me!” “Bullying” is ‘one bucket thinking: every inappropriate behavior imaginable that may happen to a given child, is described as “bullying.” This is highly unfortunate. Given all of the inherent vagueness, as well as the negativity surrounding the concept of bullying itself, whenever possible the word should just not be used in favor of words that accurately describe alleged behaviors or incidents.

Educators experience time and again when talking with parents in crisis over how their children are being treated, with parents of children who tend to be aggressive or mean toward others, as well as with school personnel who want to create and demonstrate that their schools are safe places for all, the words “bully,” “bullier” or “bullying” are conversation closers. This negative label stops communication rather than welcoming it. Even simple reframing of the accusations and conversations by using the term “mean” helps, not hurts situations. Even the best behaved of children are mean to others from time to time (and siblings count!) The talk should be put squarely on the behaviors, such as teasing, name-calling and exclusion. Everyone understands this. A simple starting point to diminish “bullying,” no matter how trivial or severe is to ‘lose the language’ of “bullying.”

Educators in schools want and need to collaborate and communicate cooperatively with students, parents/ guardians and community members, not create adversary relationships to solve these problems. The collective goal must be to create the kind of positive school climates that in practice are the ultimate solution. However, beginning the conversation with the words “bully” or “bullying” does not help that cause. Treating the “B” words as if they were ‘four letter words’ is a good strategy in practice. The language of “bullying” gets in the way of solving the problem and it is not solution oriented. The label is a punishment design; in itself and one with little hope of reintegration¹⁹. This language change is realistically not likely to change until any legislation passed to create safe environments shifts the focus away from the problem and instead squarely on the solution. Districts and the schools within them must be held accountable for the safety of the students in their care. The question remains to what they should be held accountable. We believe school districts would welcome and embrace solution-based accountability: Reach toward the spirit of the two decades of anti-bullying legislation and be led by achieving Standard IV of the National School Climate Standards.²⁰

And, in practice, there is absolutely no way to know how safe a school really is based upon the number of verified acts of “bullying” a school claims to have. In other words, IF, for example, a school district in CT has two middle schools, one claiming they’ve had no verified acts of “bullying” during a particular school year while the other claims to have five verified acts of “bullying,” does that mean that the school with no verified acts *really* is a safer school (in all ways) than the one that has verified acts of “bullying”? It is hypothetically possible in the middle school with no verified acts of “bullying,” a hundred allegations have been brought

¹⁹ Since the label is far from being a neutral designation, any student who is given the label of being a “bully” finds it nearly impossible to shed. The label itself is punishing in an of itself. “Once a “bully” always a “bully.”

²⁰ Standard IV: “The school community creates an environment where all members are welcomed, supported, and feel safe in school: socially, emotionally, racially, culturally, intellectually and physically.

forward and the investigators just concluded that nothing brought forward rose to the level of being verified as “bullying.” With the second school, it is possible that only five allegations have been made throughout the year and every one of them was verified as “bullying.” Public perception, however, would likely be that the school with no verified acts of “bullying” is likely safer than the other middle school that has verified five acts of “bullying.”

Finally, and possibly the most important unintended consequence is that according to the letter of the law, unless an alleged act of bullying is verified, the school has no obligation to do anything at all! Only **verified** acts of bullying (far less than 1% of students in the state so labeled) require any action. If it is not a verified act of bullying, the school is required to do nothing to ameliorate what was brought to their attention.

Summary of Recommendations

The bulleted list below is the sum total of the recommendations made to satisfy the charge given in Section 7 of Public Act 21-95. This set of concrete items will be supported by the narrative that follows this summarized list. The intention is to argue that this is both a comprehensive set of strategies and should be adopted in their entirety due to their intertwined and interrelated nature.

- State Level Adoption of the National School Climate Standards
- State Level Moratorium of Anti-Bullying Legislation
 - Sections 10-222d to 10-222p inclusive, which would be replaced by...
- State Level Legislation Which Articulates these Recommendations
 - Turning these recommendations into requirements
- Any Existing or Future State & Federal Level Funding Dedicated to SEL/Climate/Equity/Mental Health/Trauma Efforts Must Demonstrate Alignment with and connection to Working Restoratively, including receiving training for educators
- School District Adoption of # 5131.914
 - Official Local Board of Education Adoption no later than July 1, 2025
- School District Acceptance, Endorsement and Work to Become Fully Restorative
 - This is usually a three – five-year process
- School-Based School Climate Improvement Plans Created and Implemented
- Pre-Service Teacher Education Programs Create and Implement Courses in...
 - Educator Ethics
 - Restorative Practices, including School Climate
- Graduate Level In-Service Teacher Education Programs Create and Implement Courses in...
 - Educator Ethics
 - Restorative Practices, including School Climate

Recommendations: Where Do We Go from Here?... The Rationale Behind Them

Underscoring the previous set of bulleted recommendations is the fundamental belief, which must be stated explicitly, that ***without question or compromise, each and every legislative,***

school district, community and family member goes on record to condemn “bullying,” no matter the definition or what the label represents. We would like to go even further and assume that each and every one of these individuals believes without compromise that it is a fundamental right of a person and an accompanying responsibility of districts, schools and the educators who work within them to ensure that children and the adults that work with them in schools should be in physically, emotionally, racially, culturally and intellectually safe, equitable and respectful environments that do not support ***any*** kind of mean-spirited behaviors, including but not limited to “bullying” and harassment. In other words, without question the solution pathway rests in creating “school climates of respect.” This is systems work that falls squarely upon school districts to tackle, and in our judgment, they are more than willing to embrace, especially if ***that charge replaces a focus merely on ameliorating “bullying.”***²¹

Those who chronically treat others inappropriately generally come by these practices honestly. In other words, as they have moved through their lives from the time, they were young and as they have grown, observing others – their role models and mentors – interact with others. Everyone learns how to treat others not only by how they were treated but also as keen observers of interaction between and among others²². When these individuals come into schools, their behavior patterns come with them. The path of least resistance in dealing with them is to admonish and punish with some form of blind assumption that this will change their habits. It does not take a “rocket scientist” to learn that nothing changes (until something does change). Blame for this inappropriate behavior is placed on the shoulders of the perpetrators (he or she did it and must pay!). Faculty and staff in school are implicitly saying, “this is not *my/our* problem!” The solutions rest not on the shoulders of the offending student who causes harm (or for that matter the targeted student who “just needs to self-advocate”).

In reality it is the responsibility of the school to create safe environments and the charges given in Section 7 of P.A. 21-95 provide an opportunity to pull all the related problems and solutions together finally to be able to “right the ship” and truly be able to honor the spirit of the two decades of anti-bullying statutes. Solving the seeming elusive problem of ameliorating “bullying” may actually be simpler than originally imagined.

The Ultimate Remedy for “Bullying”

Quite simply, the ultimate remedy for this beast we have attempted to define and call or refer to as “bullying,” is to create and maintain safe, equitable and respectful environments, A.K.A., “climates” that do not support any kind of mean-spirited behaviors including but not limited to

²¹ In our inquiries, school-based leaders/principals report that commonly over half of their time, and up to 70% is devoted to investigating “bullying” allegations. This is a well-intended but misguided focus on the problem. Principals want desperately to focus on improving school climate because they know that doing so will in reality change the landscape for the better.

²² There is a great deal of myth around why individuals “bully” others. Many believe that “bullies” have low self-esteem or feel bad about themselves or think people will respect them, etc. Although a “bully” is as individual as human beings, research demonstrates that “bullies” generally have an inflated sense of self-esteem and that the primary reason a person abuses their power has to do with learning by example that this is how others should be treated.

“bullying” and harassment. At the core of what a school climate focuses upon is the relationships between and among school community members, students and adults alike; how people treat one another. A positive school climate implies that there are high quality relationships among peers, among students and educators and among educators themselves. Such positive relationships translate into stellar school community groups that are also highly supportive of one another. When the climate is toxic, those same relationships and the resulting communities are strained and just not conducive to student success. Toxic school climates support inappropriate treatment of others. The goal is to create and sustain high quality relationships between and among individuals and communities of students and educators that are reflective of those positive relationships.

Proxy for Climate: School Connectedness

What does a positive school climate look, feel and sound like? At its core, school climate is about how well the people²³ within the school treat one another physically, emotionally and intellectually. In the late 1990’s the military funded research to assess the impact of social mobility on overall student success.²⁴ In the process of learning that students who experience a high degree of social mobility do not do as well academically and socially as those who grow up with the same groups of peers in the same community. In the process of conducting this research, an unintended positive outcome was to learn that there are clearly identifiable factors that support student success, and this is known as ‘school connectedness.’ There are five factors of connectedness and the more connected students are to school, the more successful they are academically and socially, and they are significantly less likely to experience emotional distress, engage in risky sexual behavior, abuse substances or exhibit deviant behaviors or engage in violence.

These connectedness factors turn out to be an excellent ‘proxy’ for what a positive school climate looks, feels and sounds like. The more students that are highly connected to school, the better the school climate. In no particular order, the five factors of school connectedness are (1) feeling close to people at school. Students should have positive relationships with their peers, and each and every student should have at least one adult in school who they feel close to; an adult they feel they can approach for any reason at any time to confide in and they believe to be supportive of them; (2) happy to be at school; students should see their schools as destinations²⁵. Students primarily go to school to be with their friends and socialize. School

²³ People explicitly means students as well as adults (certified and non-certified faculty/staff, administrators, etc.). “Every face” should be involved.

²⁴ Having to move from community to community which requires changing schools, friends, teachers, etc. Social mobility is *not* moving with a cohort of peers from elementary to middle to high school. Robert Blum, Ph.D. led the research at Johns Hopkins University and the University of Minnesota.

²⁵ There is an assumption that “destinations” in this context are positive places. A destination is a place that every individual student or adult willingly and with a significant level of excitement wishes to be going to; In school, It is a place that is happy, inclusive, calm, peaceful, where there is productive struggle, collaborative, trusting, structured (not rigid), cooperative, welcoming and Safe (physically, emotionally, culturally and intellectually) for each and every community member, supportive, where everyone is accountable to everyone else, caring, nurturing, predictable, engaging, a place to be successful and be able to take risks, toxic/stress-free, respectful, where there

should be a place they can't wait to get to; (3) a sense of belonging; being a part of something at school where you are valued and have something to contribute; (4) feeling as though adults in school treat you fairly. Fairness is about equity, rather than equality.²⁶ Fairness is often equated with listening. Being able to have a voice and be heard when you have something to say is a central aspect of fairness, and (5) experiencing safety at school in all ways (physically, emotionally, culturally, racially, intellectually, etc.). These are the clear markers of a positive school climate.

School Climate Vs. School Culture

These two descriptors are often used interchangeably. In fact, in the National School Climate Standards monograph, there is explicit notification that climate and culture *are* used interchangeably. However, in this report, we wish to make an important stipulated distinction. School Climate focuses squarely on the quality of the relationships in school, whereas School Culture is descriptive of the wider norms, standards, expectations, biases, assumptions, etc. Climate impacts Culture and the opposite is also true. However, a focus on *School Climate Improvement* is expressly about improving relationships and community. We believe that such a focus has the best potential of transforming the overall school culture. A wider toxic school culture can obviously impact the relationships and sense of community/climate within the school. The only way to transform a toxic school culture rests with the people (students and adults) within the school to dedicate their efforts to transform the wider culture by working to create high quality relationships, school connectedness and vibrant school communities (climate).

School Districts and Standards

Not widely or pervasively known is that since 2010, there have been an established set of National School Climate Standards, developed and endorsed nationally. There are only five standards, although they do have indicators and sub-indicators²⁷. These Standards recognize that districts must include targeted focus on school climate by having a mission, vision, policies and practices that explicitly articulate the need to include school climate as a foundational element of schooling and education. These Standards also focus on the school environments and social justice.

School districts, their schools and the educators within them are no strangers to working with, writing and/or meeting standards. There is not a grade level or subject area that is not governed by both content and practice standards. We need not be reminded that the Common Core State Standards guided work in districts and schools for years to make sure that both curricula and methods aligned with these nationally recommended standards. It is currently common to hear science teachers talk about the 'new' science standards that are transforming how and what science is taught. Since there are a set of National School Climate Standards that

is active learning taking place, there is high quality work output and is an environment that is intrinsically motivating. These destinations are true positive communities for each and every member.

²⁶ Equity is giving people what they need Vs. giving everyone the same thing (equality).

²⁷ See Appendix A.

function as goals to be achieved, it stands to reason that if the ultimate remedy for “bullying” is to create and sustain positive school climates, then having standards that would support districts and schools to achieve this would be a huge help toward meeting the spirit of the anti-bullying legislation.

State Level Adoption of the National School Climate Standards

As mentioned previously, there are only five National School Climate Standards:

1. The school community has a shared vision and plan for promoting, enhancing and sustaining a positive school climate.
2. The school community sets policies specifically promoting (a) the development and sustainability of social, emotional, ethical, civic and intellectual skills, knowledge, dispositions and engagement, and (b) a *comprehensive system*²⁸ to address barriers to learning and teaching and reengage students who have become disengaged.
3. The school community’s practices are identified, prioritized and supported to (a) promote the learning and positive social, emotional, ethical and civic development of students, (b) enhance engagement in teaching, learning, and school-wide activities; (c) address barriers to learning and teaching and reengage those who have become disengaged; and (d) develop and sustain an appropriate operational infrastructure and *capacity building mechanisms*²⁹ for meeting this standard.
- 4. The school community creates an environment where all members are welcomed, supported, and feel safe in school: socially, emotionally, culturally, racially, intellectually and physically.**
5. The school community develops meaningful and engaging practices, activities and norms that promote social and civic responsibilities and a commitment to social justice.

Since Standard IV of the National School Climate Standards is the *spirit* of all of the versions of CT’s anti-bullying statutes (in bold above) from the first passage on July 1, 2002 to the present, the legislature has the potential to transform the landscape in schools not by requiring schools to eliminate “bullying,” as has been done so many times with little impact, but rather by dictating what schools should be doing: *creating safe places for all students in schools*. After listening to hundreds of school administrators and thousands of teachers, they want to be charged to spend their time reaching to meet all of the National School Climate Standards, but especially, Standard IV. Administrators know how to investigate matters of all sorts when issues come to their attention. They will continue to investigate allegations of any mean-spirited behavior, including but not limited to “bullying” and harassment. They do not need a legislative charge to do so; they need standards that set meaningful goals around solutions to this work.

²⁸ We believe that the “comprehensive system” mentioned herein is referring to Restorative Practices.

²⁹ Similarly, we believe that “capacity building mechanisms” also is referring to Restorative Practices.

It is common knowledge that when students are in safe environments and are highly connected to school, they do well. Safe environments are a prerequisite for learning. *Maslow before Bloom*. In the words of Chris Murphy, one of CT's two U.S. senators, "[o]ur number one priority should be making students feel safe and supported – and how schools reduce conflict and build cultures of trust and respect is essential to this work."³⁰ School districts that are currently embracing safety and relationship/community building as their 'theory of action' and top priority that guides school practice (rather than prioritizing instruction over all else) are experiencing far less misbehavior/disruption to school environments and consequently more able *to teach content* than districts where mitigating learning losses experienced during the pandemic is the priority.

Policies Guide Practice: Phase in for Adoption of updated # 5131.914

In 2014, the first School Climate Policy in the nation was originally adopted by the Westbrook Public Schools Board of Education. Over a period of nearly two years previous to this adoption, the Westbrook Board of Education Policy Committee, the National School Climate Center, the CT State Department of Education and Shipman & Goodman Law Firm collaborated to achieve this goal. This policy was submitted to CABE, and it was subsequently given a unique policy number. Whereas the CT anti-bullying policy is # 5131.911, this School Climate Policy is # 5131.914. At the core of the policy are the National School Climate Standards.

Between 2014 and the present, a handful of public-school districts have also officially adopted this policy at the local Board of Education level.³¹ The districts that adopted the policy did so because the focus is on school climate improvement, rather than the problem of "bullying." In testimony, these district superintendents report that their schools are safer places because they are reaching toward the solution of school climate improvement rather than just attempting to eliminating the moving target of "bullying."³²

During the 2018 legislative session, there were additional proposed amendments to the existing anti-bullying statutes. During testimony, superintendents implored the legislature not to make any additional changes at that time because they were struggling to implement all of the previous changes. There were no legislative changes that year. The next year, the legislature did not make substantive changes to any anti-bullying legislation, however they mandated the creation of a "social and emotional learning and school climate advisory collaborative" to study this arena. This was codified in P. A. 19 – 166 and was titled, "An Act Concerning School Climates." The title alone is important recognition of the connection between the problem of "bullying" and the solution of creating positive school climate.

The charges of the Collaborative are as follows:

³⁰ Hartford Courant INSIGHT, Sunday May 23, 2021.

³¹ Westbrook, Portland, Stratford and Newtown are the districts *known* to have officially adopted the policy. There may be additional districts that have done so, but since this is voluntary and there is no requirement to report adoption to the CSDE or any other entity, it is not known how many more districts have also adopted it.

³² # 5131.914 prioritizes school climate improvement. There is no conflict with # 5131.911. # 5131.911 becomes an appendix within # 5131.914.

- (1) collect information concerning the school climate improvement efforts of local and regional boards of education,
- (2) document any needs articulated by local and regional boards of education for technical assistance and training relating to fostering positive school climates,
- (3) identify best practices for promoting positive school climates,
- (4) direct resources to support state-wide and local initiatives on issues relating to fostering and improving positive school climates and improving access to social and emotional learning in schools,
- (5) develop an assessment for screening students in grades three to twelve, inclusive, to determine whether such students are at risk for suicide,
- (6) develop a biennial state-wide school climate survey, as described in subsection (c) of section 2 of this act,
- (7) develop a model positive school climate policy, as described in subsection (a) of section 2 of this act,**
- (8) develop a plain language explanation of the rights and remedies available under sections 10-4a and 10-4b of the general statutes for distribution to parents and guardians pursuant to subdivision (2) of subsection (c) of section 10- 222d of the general statutes, as amended by this act, and provide such explanation to each local and regional board of education not later than January 1, 2021, and
- (9) perform other functions concerning social and emotional learning and fostering positive school climates.

This Collaborative continues to meet to tackle all of the various charges. In bold above is the seventh item to be tackled by the Collaborative. After review and testimony, the existing Model School Climate Policy # 5131.914 was subsequently endorsed by the Collaborative as the state's model school climate policy with the understanding and expectation that # 5131.914 would be provided to all public-school districts, magnet and charter schools and expectation that districts and schools would look toward official adoption. However, in the midst of the Covid-19 pandemic, there has not to date been any official announcement of the decision about the endorsement of # 5131.914 by the Collaborative. That is an important next step that coincides with the recommendations outlined in this report.

We recommend that school districts be held accountable to adopt this model School Climate policy (# 5131.914) at their local Boards of Education. Since this is a paradigm shift away from focusing on anti-bullying to school climate improvement efforts, we would also recommend that an extended period of time be allowed for districts to accomplish this requirement. We hope that the official adoption will coincide with another mandate to become restorative, a multi-year effort. By July 1, 2025, we recommend as the final date by which districts adopt # 5131.914.

State Level Mandate for School Districts to Become Restorative in the Correct Framework Model

As will be explained, Restorative Practices is not an entirely accurate label for this work. Not only in the United States, but across the world, working restoratively in school is positively impacting and transforming education in schools. Although numerous school districts in CT have already embraced Restorative Practices and do not need any legislative direction to become restorative, there are countless others that remain oblivious to the imperative to work restoratively as a means to create safer schools and realize higher levels of academic achievement. We recommend that school districts be given such a mandate as the best and most efficient way to improve the lives of students and meet myriad educational standards.

Education mission: Educate vs. punishment (research around punishment)

It may seem obvious, but the overarching mission of schools is to educate students. Schools are in the business of skill development, and those skills are not exclusively academic. Schools are charged to help all students gain the skills and knowledge necessary to become successful citizens for the 21st century. Unpacking this significant goal means that schools play a significant and meaningful role in social/emotional/relational as well as ethical development. This reality has been brought into laser focus during the Covid-19 pandemic. Schools must teach all kind of skill development. When a student struggles academically, educators intuitively pile on additional support to help that student meet the academic standards.³³

Historically, however, when students struggle with their social and relational development and have deficits with respect to following rules, acceptable treatment of others, expressing emotions and frustrations appropriately, a typical educator reaction is to “punish” the student for the transgression.³⁴ After decades (centuries?)³⁵ of implementing such exclusionary discipline practices, the research into the success of such implementation is incontrovertible. Using exclusionary practices, not only does not change behavior for the better, it increases children’s stress, diminishes adult to child relationships, does nothing to teach more productive skills, labels the very children who need caring relationships and a safe environment, normalizes and confirms a life of toxic stress for those experiencing trauma, confirms that adults do not care about them, does not get to the root of the problem, perpetuates the cycle of adversity for those who already experience adversity in their home and communities, and increases disengagement and the very misbehavior that is being targeted for improvement. In reality, if educators want to help students learn the skills necessary to behave appropriately,

³³ Such support takes myriad forms. Sometimes it is additional practice. It may be tutoring. It may be remediation. At other times, students are evaluated to determine if they qualify for additional support through special education. No matter the subject, students are always supported. Even if a student has significant delays in their reading or numeracy abilities, educators will never deal with this reality with disciplinary action and/or removal from reading or math instruction. Even making this statement seems silly.

³⁴ When the term “punish” is used here, it is meant to describe the exclusionary discipline practices that are implemented in response to rule breaking and misbehavior. Examples of such practices are detention, in or out of school suspension, privilege denial, threats, admonishment, public humiliation, etc.

³⁵ Who cannot remember seeing drawings and cartoons of a student sitting in the corner of the classroom with a dunce cap on his/her head in public view of the other students who are sitting at their desks.

which they have a clear charge to do, they would be much better served by working restoratively. Research definitively supports that *“human beings are happier, healthier, more cooperative and most likely to make positive changes in their behavior, when those in positions of authority, do things with them, rather than to them or for them.”*³⁶

Restorative Practices

Restorative Practices is often misunderstood³⁷ and because of the misunderstanding, it can be deemed unsuccessful as a strategy to achieve significant and positive climate and culture change which necessarily would foster far less mean-spirited behavior, including but not limited to bullying and harassment resulting in decreased behavior referrals, detentions, suspensions/expulsions and other forms of exclusionary discipline, increased attendance, decrease in chronic absenteeism, higher achievement, and improved school climate data, among other measurable positive impacts.

The accurate way to conceive of Restorative Practices is as a Philosophy and Framework; Restorative Practices is not a program or curriculum. It is “how you do what you do.” With this approach, Restorative Practices is at best a confusing label and at worst an unfortunate one. “80%” of working restoratively has nothing to do with *restoring or repairing* anything. The majority of this Restorative Practices framework focuses squarely on building high quality relationships between and among all school community members and creating meaningful, viable and positive classroom, team and/or school community, positive school climates. This 80% is about forming, building and transforming the school climate, which is primarily about relationship and community building, insuring physical, emotional, social, cultural, racial, ethnic, religious, gender etc. safety, all of which is the basis for collaborative trust among all individuals. Positive school climates are “destinations” for all, safe and welcoming for all, intrinsically motivating, collaborative, joyful places to learn, etc. Focusing on and creating positive school climate is one and the same with Social/Emotional Learning (SEL).³⁸ Positive school climates foster social and emotional growth.

³⁶ This is known as the Fundamental Hypothesis of Restorative Practices. This is attributed to Ted Wachtel, founder of the International Institute for Restorative Practices based on collaborative work with Paul McCold and William Glaser in 1969. The italics are ours for purposes of emphasis.

³⁷ Because the label/title is **Restorative Practices**, all too often the focus is placed exclusively on **restoration**, when in fact the majority of RP work has nothing to do with restoration, but rather with building, forming and transforming the community, AKA, creating a positive school climate. Because ‘if you don’t build it, there will be nothing to repair/restore’. For this reason, we are laser focused on directing educators to understanding this labeling problem and are explicit in all of our training, coaching and other contextual work to make this point clearly. RP as a label is confusing, at best and unfortunate, at worst. However, we must continue to use this label because that is how this work is recognized; we just continue to make the distinction between the “narrow” sense (merely disciplining differently), the appropriate philosophy/framework approach and understanding: this is how you do what you do in practice in the day-to-day. It is for this reason that we have renamed the “Social Discipline Window,” (a foundational piece of RP) to the Social **Practices** Window/Model in all of our RP work with adults and students.

³⁸ See Appendix F for a chart that clearly provides the dimensions of school climate as articulated by the National School Climate Center

There is a much narrower way of conceiving Restorative Practices and that is merely as “*a different way to discipline.*” Unfortunately, when this approach is embraced and implemented without the clear focus on the entire framework, gains in all of the items mentioned at the outset are not realized. For this reason, it is very important to be methodical in learning about and implementing the entire framework/philosophy, which is realistically a multi-year effort. There are a lot of ‘moving parts.’ Gains can be seen almost immediately after faculty/staff implement strategies provided in improving school climate. When educators understand and embrace the entire restorative framework and practice accordingly, in the words of countless past educators, it is a “game changer.” When implementing a restorative practices philosophy/framework accurately, “how you do what you do in the day to day,” helps schools and districts avoid the most common well-researched pitfalls:³⁹ Additionally, becoming restorative is most aptly described as *who you are* rather than what you do. Thus, once an educator *becomes* restorative, he or she is also restorative at home, in the community in places of worship, etc. This is not something you only are (or do) at school, but in life.

The Importance of Restorative Practices: The Family Model

When a problem in schools is identified, very typically, programs are chosen and implemented to target that particular problem. For example, in the context of this report, within the language of many iterations of the CT anti-bullying legislation has been recommended that assemblies, poster contests, pledges and other such programs and practices targeting anti-bullying be brought into the school as a way to diminish the amounts of “bullying.” Yet, when such efforts have been used, educators report the opposite has happened. Since no student sees him or herself as a “bully,” these programs are viewed as ‘jokes’ and the impact works against achieving the very goal that was identified.⁴⁰

One reason why program and ‘one and done’ efforts change over time and schools/districts move from one approach to another without experiencing significant and meaningful cultural change is that the programs, lessons, etc. are clearly for school alone and not necessarily for home, community and life. Although in all settings, conversations and skill development about rule setting, rule following, treatment of others, etc., occurs in all settings, it is only when these are authentic that there is true and lasting learning and development. A family would never use ‘suspension out of the family’ as a viable consequence for rule breaking or mistreatment of others. A family would not schedule an ‘assembly’ as a way to intervene with a problem. Schools commonly post expectations in settings throughout the school; that would never happen in homes. Restorative Practices embraces a ‘family model’ in that the practices are not just for school; they are for homes and communities, as well. The primary reason why working restoratively achieves successful outcomes is that one ‘becomes’ restorative, schools ‘become’

³⁹ Quoted in the September 2020 final report on Restorative Practices in Baltimore City Schools: Research Updates and Implementation Guide, published by The Open Society Institute-Baltimore (OSI), pp. 34 & 35.

⁴⁰ After a typical anti-bullying assembly, educators report a pervasive outcome. Students in attendance are far more likely to use and perpetuate the language of “bullying,” and make light of it all and commonly call one another “bullies” for weeks on end subsequent to attending the program. Since these assemblies and other similar programs also attempt to ‘educate’ students about what counts as “bullying,” students come away learning more and different ways in which to cause harm one another.

restorative. And, once restorative, this is who I/we are, and *you don't go back* to a pre-restorative culture because of the cultural success experienced. Restorative is for life.

“Mis-Implementation” Pitfalls

Anne Gregory and Katherine Evans posit that implementation may have mixed results due to mis-implementation of various restorative models (Gregory & Evans, 2020). Based on the empirical literature and their own extensive practice-based observations, they offer five mis-implementation models that highlight how the launch of restorative practices “can falter and undermine the potential for nurturing positive change” (p. 12). These include:”

Mandated top-down mis-implementation model

It is imperative that those providing training and technical assistance work collaboratively with the entire faculty/staff to understand exactly why there is an imperative to implement Restorative Practices; it is important to build capacity within each school building and to provide the support needed for each and every school community member to be successful.

Narrow mis-implementation model

It is critical that district and school leaders understand that working restoratively is not about embracing the narrow approach and are very explicit and methodical about that; this is why it is so important to focus and invest time and attention to the “80%” dedicated to building and sustaining positive school climates before immediately moving into the strategies around *restorative* vs. punitive approaches. If you don't build it, there's nothing to repair/restore.

Colorblind and power blind mis-implementation model

Working restoratively follows a common process which removes subjective decision-making, especially in the realm of student discipline, which is far more equitable than traditional methods. Significant time is necessarily invested into learning about Cultural Competence (including culture, diversity, equity, equality, implicit and explicit bias, race, racism, institutional racism, prejudice, discrimination etc.) as well as Childhood Trauma and the impacts it has on learning and behavior.

“Train and Hope” mis-implementation model

To the extent possible, “every face” within the school should be trained in Restorative Practices. This is **systems change** rather than add-on efforts. This is *how* one practices, when teaching subject matter, problem solving, organizing, interacting, etc. Requisite time and energy must be invested over months and years to make sure that the training is supported by on-going coaching and support to achieve real and lasting culture change.

Under-resourced, short-term mis-implementation model

This as a long term ‘journey’ that may take more than one year to build and, more importantly, to sustain. Using this Restorative Practices work as the Theory of Action for overall school improvement will yield the results sought. Federal and state funds that are available because of the Covid-19 pandemic should be utilized for this work.

Lack of leadership buy-in mis-implementation model

Administrators should be present at each and every training session and regularly communicate the importance of this Restorative Practices work and are prepared to provide whatever support is necessary so that each and every faculty member feels comfortable with this work. In large part this is about ***changing hearts and minds*** of all school community members, including parents and guardians away from myth and hunches toward work that is supported by solid research.

Additional Recommendations

School districts and the schools within them have strategic plans that generally cover a 3 – 5-year time frame. Those strategic plans should be mandated to include school climate improvement and articulated goals to become restorative. Each individual school should have its own school-based school climate improvement plan. Such a plan could be a component of a larger overall school improvement plan.⁴¹

It is well-known that pre-service teacher preparation programs in colleges and universities are mandated to accomplish a variety of tasks and that the only way to meet all of the requirements is to lengthen the amount of time it takes to become certified. Having stated this reality, without question there are critical missing elements/courses that highly qualified teachers need to be effective and successful. We would recommend that some kind of task force, collaborative, panel of experts, etc., be convened to review existing pre-service teacher preparation requirements be reviewed and recommendations made about what is essential, what is missing and what must be included in post-secondary teacher preparation programs. From the perspective of student safety, teachers need to have a course in ethics and under the umbrella of ‘classroom management,’ candidates should learn about Restorative Practices. Graduate courses in education should be developed in ethics and Restorative Practices, as well.

Summary

This report is reflective of everyone’s steadfast desire to eliminate “bullying” in schools across the state. If this is truly the goal of every legislator who has ever sponsored or supported anti-bullying legislation since 2002 to the present, then a more productive pathway to reach this undeniably important reality must be crafted. This report seeks to describe what must happen to reach this goal. The problem of “bullying” is without question solvable. Research and experience guide us to the solution. It is with a great deal of hope that this report will be considered seriously, confusions probed, critically analyzed and the recommendations ultimately implemented. We believe that by doing so, in three – five years (or even less), data reported to the CSDE will reflect the progress anticipated.

⁴¹ Typically, such plans are submitted to the CSDE for review and often approval. It is questionable whether the CSDE has the capacity or expertise to accomplish this task with fidelity, or even if this is useful. Possibly, submitting the plans to the CSDE to ensure simple compliance that schools do in fact have such plans might be a useful component, but beyond that, we believe that it would be up to districts to solicit feedback in ways that they find helpful would be paramount. If schools are focusing on school climate improvement and working restoratively, then the CSDE should notice a positive difference in the data from schools in the district would be evident on EdSight and in the ED166 (discipline data base).