

LEGAL MAILBAG – APRIL 9, 2026



By Attorney Thomas B. Mooney, Neag School of Education, University of Connecticut

The “Legal Mailbag Question of the Week” is a regular feature of the CAS Weekly NewsBlast. We invite readers to submit short, law-related questions of practical concern to school administrators. Each week, we will select a question and publish an answer. While these answers cannot be considered formal legal advice, they may be of help to you and your colleagues. We may edit your questions, and we will not identify the authors. Please submit your questions to: legalmailbag@casciac.org.

Dear Legal Mailbag,

It’s that time of year again, when student behavior starts to increase and teachers are struggling more to manage classes. Yesterday, a parent came to me and wanted to make a report of bullying in her middle school son’s class. The bullying she is referring to is the continuous misbehavior of his classmates, because it impacts his learning. Under the current state law, she is saying that this behavior meets the standard of negatively impacting school climate and interferes with the learning of another student.

As an assistant principal, I’ve seen a lot of true bullying in the past, but I just can’t see how her argument fits the definition of bullying. Frustrating to be sure, but not bullying. Am I wrong?

Signed,
Managing Misbehavior

Dear Managing:

You are correct. In the words of Alexander Pope, a little learning is a dangerous thing. This parent is using various words from the new safe school climate world but has not presented a coherent claim that the conduct complained of is bullying.

We start by noting that “challenging behavior” and “bullying” are specifically and separately defined:

“Bullying” means unwanted and aggressive behavior among children in grades kindergarten to twelve, inclusive, that involves a real or perceived power imbalance.

“Challenging behavior” means behavior that negatively impacts school climate or interferes, or is at risk of interfering, with the learning or safety of a student or the safety of a school employee.

Given these definitions, it appears that the student behavior about which this parent is complaining may be determined to be “challenging behavior.” However, from the limited information that the parent shared with you, Legal Mailbag does not see how this misbehavior could be defined as bullying because there is no reference to a real or perceived power imbalance.

Presumably, your district has adopted the Connecticut School Climate Policy, which all Connecticut school districts were required to adopt by July 1, 2025. CBE developed this Policy with technical and substantive guidance from the Commission on Women, Children, Seniors, Equity & Opportunity (CWCSEO) and other members of the statewide Social and Emotional Learning and School Climate Advisory Collaborative. “Challenging behavior” and “bullying” are defined terms under statute, and these definitions (quoted above) are included in the Connecticut School Climate Policy.

You must let this parent file her complaint because students, parents or guardians of students enrolled in the school are all entitled by law to file complaints concerning alleged “challenging behavior” or “bullying.” Moreover, school employees are required to report such behavior to the School Climate Specialist or designated administrator whenever such “challenging behavior” or “bullying” results in student discipline. The Connecticut School Climate Policy, found [HERE](#), includes a reporting form that the district may adopt (or adapt) for reporting purposes, and the parent can use such form to file her report.

Once reported, the school climate statutes now require that the School Climate Specialist or other designated administrator assess the facts, severity, and intentionality of the alleged challenging behavior or alleged bullying incident. In doing so, the responsible administrator may use the Investigation Form that is also included in the Connecticut School Climate Policy, but use of that form is optional (unless your district mandates its use). Whether he or she uses this form, the designated administrator should determine what responses, if any, should be or have already been taken to address the behavior and/or prevent future instances of such behavior.

Once the designated school administrator has made that determination, he or she may need to report back to the person who filed the initial report, depending on the protocols your district has adopted. To promote positive relationships with parents and students, Legal Mailbag recommends that, whenever such report is filed by a parent, the School Climate Specialist or other district personnel respond to the parent and follow up with any concerns the parent has

regarding his or her child's education and school experience. Again, the Connecticut School Climate Policy includes a form for responding (Response Process(es) Reporting Form), but again the use of that form is optional (unless your district mandates its use). Whatever the format, however, any response report must be compliant with FERPA obligations, i.e., personally identifiable student information may not be disclosed except to school officials with an educational need to know the information.

Finally, the new school climate framework requires that each school have in place a School Climate Improvement Plan that aligns with the Connecticut school climate standards (set forth in the Connecticut School Climate Policy) and meets various statutory requirements. Such plan must be made available to the school community and must be used (and followed) to help prevent, identify, and respond to challenging behavior, whether or not it rises to the level of bullying.

Legal Mailbag acknowledges with thanks the assistance of Shipman & Goodwin attorney Dori Pagé Antonetti in responding to this question.