

Cyberbullying (Schools and Public Libraries)

Updated July 2011

Please be advised that not all statutes in this compilation specifically include language on bullying or harassment via the computer or other electronic means. All of the statutes included, however, could arguably be used in creating policies concerning cyberbullying.

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ALABAMA

ALA. CODE § 16-28B-2 (2011). LEGISLATIVE INTENT

It is the intent of the Legislature to provide for the adoption of policies in public school systems to prevent the harassment of students. It is the further intent of the Legislature that this chapter apply only to student against student harassment, intimidation, violence, and threats of violence in the public schools of Alabama, grades prekindergarten through 12, and that the State Department of Education develop, and each local board of education adopt procedural policies to manage and possibly prevent these acts against any student by another student or students based on the characteristics of a student.

Additionally, it is the intent of the Legislature that the filing of a complaint of harassment be in writing and submitted by the affected student, or the parent or guardian of the affected student, and not by an education employee on behalf of an affected student or his or her parent or guardian.

ALA. CODE § 16-28B-3 (2011). DEFINITIONS

The following terms have the following meanings:

(1) Department. The State Department of Education.

(2) Harassment. A continuous pattern of intentional behavior that takes place on school property, on a school bus, or at a school-sponsored function including, but not limited to, written, electronic, verbal, or physical acts that are reasonably perceived as being motivated by any characteristic of a student, or by the association of a student with an individual who has a particular characteristic, if the characteristic falls into one of the categories of personal characteristics contained in the model policy adopted by the department or by a local board. To constitute harassment, a pattern of behavior may do any of the following:

- a. Place a student in reasonable fear of harm to his or her person or damage to his or her property.
- b. Have the effect of substantially interfering with the educational performance, opportunities, or benefits of a student.
- c. Have the effect of substantially disrupting or interfering with the orderly operation of the school.
- d. Have the effect of creating a hostile environment in the school, on school property, on a school bus, or at a school-sponsored function.
- e. Have the effect of being sufficiently severe, persistent, or pervasive enough to create an intimidating, threatening, or abusive educational environment for a student.

(3) Hostile environment. The perception by an affected student or victim that the conduct of another student constitutes a threat of violence or harassment and that the conduct is objectively severe or pervasive enough that a reasonable person, under the circumstances, would agree that the conduct constitutes harassment, threat of assault, or assault.

(4) Local board. A city or county board of education.

(5) School. Each public school, grades prekindergarten through 12, the Alabama Institute for Deaf and Blind, the Alabama High School of Mathematics and Science, and the Alabama School of Fine Arts.

(6) School system. The schools under the jurisdiction of a local board.

**ALA. CODE § 16-28B-4 (2011). PROHIBITED ACTS; COMPLAINT;
REPORTING**

(a) No student shall engage in or be subjected to harassment, intimidation, violence, or threats of violence on school property, on a school bus, or at any school-sponsored function by any other student in his or her school system.

(b) No person shall engage in reprisal, retaliation, or false accusation against a victim, witness, or other person who has reliable information about an act of harassment, violence, or threat of violence.

(c) Any student, or parent or guardian of the student, who is the object of harassment may file a complaint outlining the details of the harassment, on a form authorized by the local board, and submit the form to the official designated by the local board to receive complaints at the school.

(d) Each school shall develop plans or programs, including, but not limited to, peer mediation teams, in an effort to encourage students to report and address incidents of harassment, violence, or threats of violence.

**ALA. CODE § 16-28B-5 (2011). MODEL POLICY CONCERNING HARASSMENT,
VIOLENCE, AND THREATS OF VIOLENCE; COMPONENTS**

The department shall develop a model policy prohibiting harassment, violence, and threats of violence on school property, on a school bus, or at any school-sponsored function. The model policy, at a minimum, shall contain all of the following components:

(1) A statement prohibiting harassment, violence, and threats of violence.

(2) Definitions of the terms harassment, as provided in subdivision (2) of Section 16-28B-3, intimidation, and threats of violence.

(3) A description of the behavior expected of each student.

(4) A series of graduated consequences for any student who commits an act of intimidation, harassment, violence, or threats of violence. Punishment shall conform with applicable federal and state disability, antidiscrimination, and education laws and school discipline policies.

(5) A procedure for reporting an act of intimidation, threat of suicide, harassment, violence, or threat of violence. An anonymous report may not be the basis for imposing formal disciplinary action against a student.

(6) A procedure for the prompt investigation of reports of serious violations and complaints, specifying that the principal, or his or her designee, is the person responsible for the investigation.

(7) A response procedure for a school to follow upon confirmation of an incident of intimidation, harassment, violence, or threats of violence.

(8) A statement prohibiting reprisal or retaliation against any person who reports an act of intimidation, violence, threat of violence, or harassment, including the consequences of and any appropriate remedial action that may be taken against a person who engages in such reprisal or retaliation.

(9) A statement of the consequences of and appropriate remedial action that may be taken against a person who has deliberately and recklessly falsely accused another.

(10) A procedure for publicizing local board policy, including providing notice that the policy applies to participation in school-sponsored functions.

(11) A clearly defined procedure for students to use in reporting harassment, including, but not limited to, written reports on local board approved complaint forms and written reports of instances of harassment, intimidation, violence, and threats of violence based on the personal characteristics of a student. The complaint form may be served in person or by mail on the principal, or his or her designee, or his or her office. The procedures shall be made known and be readily available to each student, employee, and the parent or guardian of each student. It is the sole responsibility of the affected student, or the parent or guardian of the affected student, to report incidences of harassment to the principal, or his or her designee.

(12) A procedure for promulgating rules to implement this chapter, including the development of a model student complaint form. The department shall seek public input in developing and revising the model policy, model complaint form, and any other necessary forms.

(13) A procedure for the development of a nonexhaustive list of the specific personal characteristics of a student which may often lead to harassment. Based upon experience, a local board of education may add, but not remove, characteristics from the list. The additional characteristics or perceived characteristics that cause harassment shall be

identified by the local board on a case-by-case basis and added to the local board policy. The list shall be included in the code of conduct policy of each local board.

ALA. CODE § 16-28B-6 (2011). DUTIES OF SCHOOLS

Each school shall do all of the following:

- (1) Develop and implement evidence-based practices to promote a school environment that is free of harassment, intimidation, violence, and threats of violence.
- (2) Develop and implement evidence-based practices to prevent harassment, intimidation, violence, and threats of violence based, as a minimum, on the criteria established by this chapter and local board policy, and to intervene when such incidents occur.
- (3) Incorporate into civility, citizenship, and character education curricula awareness of and sensitivity to the prohibitions of this chapter and local board policy against harassment, intimidation, violence, and threats of violence.
- (4) Report statistics to the local board of actual violence, submitted reports of threats of violence, and harassment. The local board shall provide the statistics of the school system and each school in the school system to the department for posting on the department website. The posted statistics shall be available to the public and any state or federal agency requiring the information. The identity of each student involved shall be protected and may not be posted on the department website.

**THE FOLLOWING BILL HAS NOT BEEN ENACTED AND IS CURRENTLY NOT
THE LAW OF ALABAMA. H.R. 226, 2011 LEG., REG. SESS. (ALA. 2011).
STUDENT HARRASSMENT PREVENTION, DEFINITION OF HARASSMENT
EXPANDED TO INCLUDE GENDER IDENTITY OR SEXUAL ORIENTATION OF
THE STUDENT, SEC. 16-28B-3 AM'D**

Bill Status: In House Committee on Education Policy as of 03/10/2011

A BILL

TO BE ENTITLED

AN ACT

To amend Section 16-28B-3, Code of Alabama 1975, relating to the development of a model policy by the State Department of Education for local school boards pertaining to student harassment prevention, to expand the definition of “harassment” to include as a characteristic of a student the gender identity or sexual orientation of the student or of the individual with whom the student associates.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 16-28B-3, Code of Alabama 1975, is amended to read as follows:

“§16-28B-3.

“The following terms have the following meanings:

“(1) DEPARTMENT. The State Department of Education.

“(2) HARASSMENT. A continuous pattern of intentional behavior that takes place on school property, on a school bus, or at a school-sponsored function including, but not limited to, written, electronic, verbal, or physical acts that are reasonably perceived as being motivated by any characteristic, **such as the gender identity or sexual orientation**, of a student, or by the association of a student with an individual who has a particular characteristic, **such as the gender identity or sexual orientation of the individual**, if the characteristic falls into one of the categories of personal characteristics contained in the model policy adopted by the department or by a local board. To constitute harassment, a pattern of behavior may do any of the following:

“a. Place a student in reasonable fear of harm to his or her person or damage to his or her property.

“b. Have the effect of substantially interfering with the educational performance, opportunities, or benefits of a student.

“c. Have the effect of substantially disrupting or interfering with the orderly operation of the school.

“d. Have the effect of creating a hostile environment in the school, on school property, on a school bus, or at a school-sponsored function.

“e. Have the effect of being sufficiently severe, persistent, or pervasive enough to create an intimidating, threatening, or abusive educational environment for a student.

“(3) HOSTILE ENVIRONMENT. The perception by an affected student or victim that the conduct of another student constitutes a threat of violence or harassment and that the conduct is objectively severe or pervasive enough that a reasonable person, under the circumstances, would agree that the conduct constitutes harassment, threat of assault, or assault.

“(4) LOCAL BOARD. A city or county board of education.

“(5) SCHOOL. Each public school, grades prekindergarten through 12, the Alabama Institute for Deaf and Blind, the Alabama High School of Mathematics and Science, and the Alabama School of Fine Arts.

“(6) SCHOOL SYSTEM. The schools under the jurisdiction of a local board.”

Section 2. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

THE FOLLOWING BILL HAS NOT BEEN ENACTED AND IS CURRENTLY NOT THE LAW OF ALABAMA. H.R. 560/S. 25, 2011 LEG., REG. SESS. (ALA. 2011). STUDENT HARASSMENT PREVENTION, REASSIGNMENT OF STUDENTS TO ANOTHER SCHOOL, EDUCATION DEPARTMENT TO POST MODEL POLICY ON INTERNET WEBSITE, IMMUNITY FOR REPORTING HARASSMENT, STUDENT HARASSMENT PREVENTION ACT RENAMED THE ALEX MOORE ANTI-BULLYING ACT

Bill Status: In House Committee on Education Policy as of 06/01/2011; Substituted Version

A BILL

TO BE ENTITLED

AN ACT

To amend Sections 16-28B-1, 16-28B-4, 16-28B-5, and 16-28B-9 of the Code of Alabama 1975, relating to student harassment prevention; to allow the Student Harassment Prevention Act to also be known as the Alex Moore Anti-Bullying Act; to provide that a student can be reassigned to another school for the purpose of separating the student from his or her harassment victim; to direct the Department of Education to post its model policy on its website; and to provide that a person shall be immune from civil liability for reporting harassment.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 16-28B-1, 16-28B-4, 16-28B-5, and 16-28B-9 of the Code of Alabama 1975, are amended to read as follows:

“§16-28B-1.

“(a) This chapter shall be known and may be cited as the Student Harassment Prevention Act **or the Alex Moore Anti-Bullying Act.**

“(b) **The Legislature does not intend to imply by this section that any local board of education or any employee of a local board of education assumes any legal responsibility for the death of the individual for whom this act is named.**

“§16-28B-4.

“(a) No student shall engage in or be subjected to harassment, intimidation, violence, or threats of violence on school property, on a school bus, or at any school-sponsored function by any other student in his or her school system.

“(b) No person shall engage in reprisal, retaliation, or false accusation against a victim, witness, or other person who has reliable information about an act of harassment, violence, or threat of violence.

“(c) Any student, or parent or guardian of the student, who is the object of harassment may file a complaint outlining the details of the harassment, on a form authorized by the local board, and submit the form to the official designated by the local board to receive complaints at the school.

“(d) Each school shall develop plans or programs, including, but not limited to, peer mediation teams, in an effort to encourage students to report and address incidents of harassment, violence, or threats of violence.

“(e) Absent negligence, wantonness, recklessness, or deliberate misconduct, any person who reports an incident of harassment shall be immune from civil liability for any damages caused by the reporting.

“(f) Nothing in this chapter or in the model policy promulgated by the department shall be construed to require a local board to provide transportation to a student transferred to another school within the school district as a result of a harassment incident.

“(g) A local board not in compliance with the requirements of Section 16-28B-5 shall be ineligible to receive state funding.

“§16-28B-5.

“(a) The department shall develop a model policy prohibiting harassment, violence, and threats of violence on school property, on a school bus, or at any school-sponsored function. The model policy, at a minimum, shall contain all of the following components:

“(1) A statement prohibiting harassment, violence, and threats of violence.

“(2) Definitions of the terms harassment, as provided in subdivision (2) of Section 16-28B-3, intimidation, and threats of violence.

“(3) A description of the behavior expected of each student.

“(4) A series of graduated consequences for any student who commits an act of intimidation, harassment, violence, or threats of violence. Punishment shall conform with applicable federal and state disability, antidiscrimination, and education laws and school discipline policies.

“(5) A procedure for reporting an act of intimidation, threat of suicide, harassment, violence, or threat of violence. ~~An anonymous report may not be the basis for imposing formal disciplinary action against a student.~~ by a teacher or other school employee, student, parent, guardian, or other person who has control or charge of a student, either anonymously or in the name of the person, at the option of the person, to report or otherwise provide information on the harassment activity

“(6) A procedure for the prompt investigation of reports of serious violations and complaints, specifying that the principal, or his or her designee, is the person responsible for the investigation.

“(7) A response procedure for a school to follow upon confirmation of an incident of intimidation, harassment, violence, or threats of violence.

“(8) A statement prohibiting reprisal or retaliation against any person who reports an act of intimidation, violence, threat of violence, or harassment, including the consequences of and any appropriate remedial action that may be taken against a person who engages in such reprisal or retaliation.

“(9) A statement of the consequences of and appropriate remedial action that may be taken against a person who has deliberately and recklessly falsely accused another.

“(10) A procedure for publicizing local board policy, including providing notice that the policy applies to participation in school-sponsored functions.

“(11) A clearly defined procedure for students to use in reporting harassment, including, but not limited to, written reports on local board approved complaint forms and written reports of instances of harassment, intimidation, violence, and threats of violence based on the personal characteristics of a student. The complaint form may be served in person or by mail on the principal, or his or her designee, or his or her office. The procedures shall be made known and be readily available to each student, employee, and the parent or guardian of each student. It is the sole responsibility of the affected student, or the parent or guardian of the affected student, to report incidences of harassment to the principal, or his or her designee.

“(12) A procedure for promulgating rules to implement this chapter, including the development of a model student complaint form. The department shall seek public input in developing and revising the model policy, model complaint form, and any other necessary forms.

“(13) A procedure for the development of a nonexhaustive list of the specific personal characteristics of a student which may often lead to harassment. Based upon experience, a local board of education may add, but not remove, characteristics from the list. The additional characteristics or perceived characteristics that cause harassment shall be identified by the local board on a case-by-case basis and added to the local board policy. The list shall be included in the code of conduct policy of each local board.

“(14) A requirement that any teacher or other school employee who has reliable information that would lead a reasonable person to suspect that someone is a target of harassment shall immediately report it to the school principal.

“(15) An age-appropriate range of consequences for harassment which shall include, at a minimum and without limitation, disciplinary action or counseling as appropriate under the circumstances.

“(b) The department shall develop and post on its website a list of entities and their contact information which produce anti-harassment training programs and materials deemed appropriate by the department for use in local school systems.”

“§16-28B-9.

“(a) Each local board shall establish a policy in compliance with this chapter on or before July 1, 2012. Each local policy or model policy adopted by a local board or the department, respectively, shall be consistent with this chapter.

“(b)(1) Each local board policy shall require that, upon a finding by the disciplinary hearing officer, panel, or tribunal of school officials, a student in grades six through 12 who has committed the offense of harassment for the third time in a school year shall be assigned to an alternative school.

“(2) Each local board shall establish and publish in its local board policy a method to notify the parent, guardian, or other person who has control or charge of a student upon a finding by a school administrator that the student has committed an offense of harassment or is a victim of harassment.

“(c) Each local board of education shall ensure that students and parents of students are notified of the prohibition against harassment and the penalties for violating the prohibition by posting the information at each school under its jurisdiction and by including the information in student and parent handbooks.”

Section 2. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

ALASKA

ALASKA STAT. § 14.33.200 (2010). HARASSMENT, INTIMIDATION, AND BULLYING POLICY

(a) By July 1, 2007, each school district shall adopt a policy that prohibits the harassment, intimidation, or bullying of any student. Each school district shall share this policy with parents or guardians, students, volunteers, and school employees.

(b) The policy must be adopted through the standard policy-making procedure for each district that includes the opportunity for participation by parents or guardians, school employees, volunteers, students, administrators, and community representatives. The policy must emphasize positive character traits and values, including the importance of civil and respectful speech and conduct, and the responsibility of students to comply with the district's policy prohibiting harassment, intimidation, or bullying. The policy must also include provisions for an appropriate punishment schedule up to and including expulsion and reporting of criminal activity to local law enforcement authorities. School employees, volunteers, students, and administrators shall adhere to this policy.

(c) By January 1, 2007, the department, in consultation with representatives of parents or guardians, school personnel, and other interested parties, may provide to school districts a model harassment, intimidation, and bullying prevention policy and training materials on the components that should be included in a district policy. Training materials may be disseminated in a variety of ways, including workshops and other staff developmental activities, and through the Internet website of the department. Materials included on the Internet website must include the model policy and recommended training and instructional materials. The department may provide a link to the school district's Internet website for further information.

ALASKA STAT. § 14.33.210 (2010). REPORTING OF INCIDENTS OF HARASSMENT, INTIMIDATION, OR BULLYING

Beginning with the 2007 -- 2008 school year, each school district shall report to the department by November 30 all incidents resulting in suspension or expulsion for harassment, intimidation, or bullying on school premises or on transportation systems used by schools in the school year preceding the report. The department shall compile the data and report it to the appropriate committees of the Alaska House of Representatives and the Senate.

ALASKA STAT. § 14.33.220 (2010). REPORTING; NO REPRISALS

(a) A school employee, student, or volunteer may not engage in reprisal, retaliation, or false accusation against a victim, witness, or person with reliable information about an act of harassment, intimidation, or bullying.

(b) A school employee, student, or volunteer who has witnessed, or has reliable information that a student has been subjected to, harassment, intimidation, or bullying, whether verbal or physical, shall report the incident to an appropriate school official.

(c) This section does not prohibit discipline or other adverse action taken in compliance with school district policies against a person who falsely and in bad faith accuses a person of engaging in harassment, intimidation, or bullying or who intentionally provides false information in connection with an investigation of an alleged incident of harassment, intimidation, or bullying.

ALASKA STAT. § 14.33.230 (2010). IMMUNITY FROM SUIT

A school employee, student, or volunteer who reports an incident of harassment, intimidation, or bullying to a school official and who makes this report in good faith is immune from a cause of action for damages arising from a failure to remedy the reported incident or for making the report.

ALASKA STAT. § 14.33.250 (2010). DEFINITIONS

In AS 14.33.200--14.33.250,

(1) "district" has the meaning given in AS 14.17.990;

(2) “harassment, intimidation, or bullying” means an intentional written, oral, or physical act, when the act is undertaken with the intent of threatening, intimidating, harassing, or frightening the student, and

(A) physically harms the student or damages the student's property;

(B) has the effect of substantially interfering with the student's education;

(C) is so severe, persistent, or pervasive that it creates an intimidating or threatening educational environment; or

(D) has the effect of substantially disrupting the orderly operation of the school;

(3) “school official” means an employee of a school, including a teacher, administrator, or noncertificated support staff or paraprofessional.

ARIZONA

ARIZ. REV. STAT. § 15-341 (2011). GENERAL POWERS AND DUTIES; IMMUNITY; DELEGATION

A. The governing board shall:

1. Prescribe and enforce policies and procedures for the governance of the schools, not inconsistent with law or rules prescribed by the state board of education.

2. Exclude from schools all books, publications, papers or audiovisual materials of a sectarian, partisan or denominational character.

3. Manage and control the school property within its district.

4. Acquire school furniture, apparatus, equipment, library books and supplies for the use of the schools.

5. Prescribe the curricula and criteria for the promotion and graduation of pupils as provided in §§ 15-701 and 15-701.01.

6. Furnish, repair and insure, at full insurable value, the school property of the district.

7. Construct school buildings on approval by a vote of the district electors.

8. Make in the name of the district conveyances of property belonging to the district and sold by the board.

9. Purchase school sites when authorized by a vote of the district at an election conducted as nearly as practicable in the same manner as the election provided in § 15-481 and held on a date prescribed in § 15-491, subsection E, but such authorization shall not necessarily specify the site to be purchased and such authorization shall not be necessary to exchange unimproved property as provided in § 15-342, paragraph 23.

10. Construct, improve and furnish buildings used for school purposes when such buildings or premises are leased from the national park service.

11. Purchase school sites or construct, improve and furnish school buildings from the proceeds of the sale of school property only on approval by a vote of the district electors.

12. Hold pupils to strict account for disorderly conduct on school property.

13. Discipline students for disorderly conduct on the way to and from school.

14. Except as provided in § 15-1224, deposit all monies received by the district as gifts, grants and devises with the county treasurer who shall credit the deposits as designated in the uniform system of financial records. If not inconsistent with the terms of the gifts, grants and devises given, any balance remaining after expenditures for the intended purpose of the monies have been made shall be used for reduction of school district taxes for the budget year, except that in the case of accommodation schools the county treasurer shall carry the balance forward for use by the county school superintendent for accommodation schools for the budget year.

15. Provide that, if a parent or legal guardian chooses not to accept a decision of the teacher as provided in § 15-521, paragraph 2, the parent or legal guardian may request in writing that the governing board review the teacher's decision. Nothing in this paragraph shall be construed to release school districts from any liability relating to a child's promotion or retention.

16. Provide for adequate supervision over pupils in instructional and noninstructional activities by certificated or noncertificated personnel.

17. Use school monies received from the state and county school apportionment exclusively for payment of salaries of teachers and other employees and contingent expenses of the district.

18. Make an annual report to the county school superintendent on or before October 1 in the manner and form and on the blanks prescribed by the superintendent of public instruction or county school superintendent. The board shall also make reports directly to the county school superintendent or the superintendent of public instruction whenever required.

19. Deposit all monies received by school districts other than student activities monies or monies from auxiliary operations as provided in §§ 15-1125 and 15-1126 with the county

treasurer to the credit of the school district except as provided in paragraph 20 of this subsection and §§ 15-1223 and 15-1224, and the board shall expend the monies as provided by law for other school funds.

20. Establish bank accounts in which the board during a month may deposit miscellaneous monies received directly by the district. The board shall remit monies deposited in the bank accounts at least monthly to the county treasurer for deposit as provided in paragraph 19 of this subsection and in accordance with the uniform system of financial records.

21. Prescribe and enforce policies and procedures for disciplinary action against a teacher who engages in conduct that is a violation of the policies of the governing board but that is not cause for dismissal of the teacher or for revocation of the certificate of the teacher. Disciplinary action may include suspension without pay for a period of time not to exceed ten school days. Disciplinary action shall not include suspension with pay or suspension without pay for a period of time longer than ten school days. The procedures shall include notice, hearing and appeal provisions for violations that are cause for disciplinary action. The governing board may designate a person or persons to act on behalf of the board on these matters.

22. Prescribe and enforce policies and procedures for disciplinary action against an administrator who engages in conduct that is a violation of the policies of the governing board regarding duties of administrators but that is not cause for dismissal of the administrator or for revocation of the certificate of the administrator. Disciplinary action may include suspension without pay for a period of time not to exceed ten school days. Disciplinary action shall not include suspension with pay or suspension without pay for a period of time longer than ten school days. The procedures shall include notice, hearing and appeal provisions for violations that are cause for disciplinary action. The governing board may designate a person or persons to act on behalf of the board on these matters. For violations that are cause for dismissal, the provisions of notice, hearing and appeal in chapter 5, article 3 of this title [FN1] shall apply. The filing of a timely request for a hearing suspends the imposition of a suspension without pay or a dismissal pending completion of the hearing.

23. Notwithstanding §§ 13-3108 and 13-3120, prescribe and enforce policies and procedures that prohibit a person from carrying or possessing a weapon on school grounds unless the person is a peace officer or has obtained specific authorization from the school administrator.

24. Prescribe and enforce policies and procedures relating to the health and safety of all pupils participating in district sponsored practice sessions or games or other interscholastic athletic activities, including:

(a) The provision of water.

(b) Guidelines, information and forms, developed in consultation with a statewide private entity that supervises interscholastic activities, to inform and educate coaches, pupils and parents of the dangers of concussions and head injuries and the risks of continued participation in athletic activity after a concussion. The policies and procedures shall require that, before a pupil participates in an athletic activity, the pupil and the pupil's parent must sign an information form at least once each school year that states that the parent is aware of the nature and risk of concussion. The policies and procedures shall require that a pupil who is suspected of sustaining a concussion in a practice session, game or other interscholastic athletic activity be immediately removed from the athletic activity. A coach from the pupil's team or an official or a licensed health care provider may remove a pupil from play. A team parent may also remove his or her own child from play. A pupil may return to play on the same day if a health care provider rules out a suspected concussion at the time the pupil is removed from play. On a subsequent day, the pupil may return to play if the pupil has been evaluated by and received written clearance to resume participation in athletic activity from a health care provider who has been trained in the evaluation and management of concussions and head injuries. A health care provider who is a volunteer and who provides clearance to participate in athletic activity on the day of the suspected injury or on a subsequent day is immune from civil liability with respect to all decisions made and actions taken that are based on good faith implementation of the requirements of this subdivision, except in cases of gross negligence or wanton or wilful neglect. A school district, school district employee, team coach, official, team volunteer or a parent or guardian of a team member is not subject to civil liability for any act, omission or policy undertaken in good faith to comply with the requirements of this subdivision or for a decision made or an action taken by a health care provider. A group or organization that uses property or facilities owned or operated by a school district for athletic activities shall comply with the requirements of this subdivision. A school district and its employees and volunteers are not subject to civil liability for any other person or organization's failure or alleged failure to comply with the requirements of this subdivision. This subdivision does not apply to teams that are based in another state and that participate in an athletic activity in this state. For the purposes of this subdivision, athletic activity does not include dance, rhythmic gymnastics, competitions or exhibitions of academic skills or knowledge or other similar forms of physical noncontact activities, civic activities or academic activities, whether engaged in for the purposes of competition or recreation. For the purposes of this subdivision, "a health care provider" means a physician who is licensed pursuant to title 32, chapter 13 or 17, [FN2] an athletic trainer who is licensed pursuant to title 32, chapter 41, [FN3] a nurse practitioner who is licensed pursuant to title 32, chapter 15 [FN4], and a physician assistant who is licensed pursuant to title 32, chapter 25. [FN5]

25. Prescribe and enforce policies and procedures regarding the smoking of tobacco within school buildings. The policies and procedures shall be adopted in consultation with school district personnel and members of the community and shall state whether smoking is prohibited in school buildings. If smoking in school buildings is not prohibited, the policies and procedures shall clearly state the conditions and circumstances under which smoking is permitted, those areas in a school building that

may be designated as smoking areas and those areas in a school building that may not be designated as smoking areas.

26. Establish an assessment, data gathering and reporting system as prescribed in chapter 7, article 3 of this title. [FN6]

27. Provide special education programs and related services pursuant to § 15-764, subsection A to all children with disabilities as defined in § 15-761.

28. Administer competency tests prescribed by the state board of education for the graduation of pupils from high school.

29. Ensure that insurance coverage is secured for all construction projects for purposes of general liability, property damage and workers' compensation and secure performance and payment bonds for all construction projects.

30. Keep on file the resumes of all current and former employees who provide instruction to pupils at a school. Resumes shall include an individual's educational and teaching background and experience in a particular academic content subject area. A school district shall inform parents and guardians of the availability of the resume information and shall make the resume information available for inspection on request of parents and guardians of pupils enrolled at a school. Nothing in this paragraph shall be construed to require any school to release personally identifiable information in relation to any teacher or employee, including the teacher's or employee's address, salary, social security number or telephone number.

31. Report to local law enforcement agencies any suspected crime against a person or property that is a serious offense as defined in § 13-706 or that involves a deadly weapon or dangerous instrument or serious physical injury and any conduct that poses a threat of death or serious physical injury to employees, students or anyone on the property of the school. This paragraph does not limit or preclude the reporting by a school district or an employee of a school district of suspected crimes other than those required to be reported by this paragraph. For the purposes of this paragraph, “dangerous instrument”, “deadly weapon” and “serious physical injury” have the same meanings prescribed in § 13-105.

32. In conjunction with local law enforcement agencies and local medical facilities, develop an emergency response plan for each school in the school district in accordance with minimum standards developed jointly by the department of education and the division of emergency management within the department of emergency and military affairs.

33. Provide written notice to the parents or guardians of all students affected in the school district at least ten days prior to a public meeting to discuss closing a school within the school district. The notice shall include the reasons for the proposed closure and the time and place of the meeting. The governing board shall fix a time for a public meeting on the proposed closure no less than ten days before voting in a public meeting to close the

school. The school district governing board shall give notice of the time and place of the meeting. At the time and place designated in the notice, the school district governing board shall hear reasons for or against closing the school. The school district governing board is exempt from this paragraph if it is determined by the governing board that the school shall be closed because it poses a danger to the health or safety of the pupils or employees of the school. A governing board may consult with the school facilities board for technical assistance and for information on the impact of closing a school. The information provided from the school facilities board shall not require the governing board to take or not take any action.

34. Incorporate instruction on Native American history into appropriate existing curricula.

35. Prescribe and enforce policies and procedures allowing pupils who have been diagnosed with anaphylaxis by a health care provider licensed pursuant to title 32, chapter 13, 14, 17 or 25 [FN7] or by a registered nurse practitioner licensed and certified pursuant to title 32, chapter 15 to carry and self-administer emergency medications, including auto-injectable epinephrine, while at school and at school sponsored activities. The pupil's name on the prescription label on the medication container or on the medication device and annual written documentation from the pupil's parent or guardian to the school that authorizes possession and self-administration is sufficient proof that the pupil is entitled to the possession and self-administration of the medication. The policies shall require a pupil who uses auto-injectable epinephrine while at school and at school sponsored activities to notify the nurse or the designated school staff person of the use of the medication as soon as practicable. A school district and its employees are immune from civil liability with respect to all decisions made and actions taken that are based on good faith implementation of the requirements of this paragraph, except in cases of wanton or wilful neglect.

36. Allow the possession and self-administration of prescription medication for breathing disorders in handheld inhaler devices by pupils who have been prescribed that medication by a health care professional licensed pursuant to title 32. [FN8] The pupil's name on the prescription label on the medication container or on the handheld inhaler device and annual written documentation from the pupil's parent or guardian to the school that authorizes possession and self-administration shall be sufficient proof that the pupil is entitled to the possession and self-administration of the medication. A school district and its employees are immune from civil liability with respect to all decisions made and actions taken that are based on a good faith implementation of the requirements of this paragraph.

37. Prescribe and enforce policies and procedures to prohibit pupils from harassing, intimidating and bullying other pupils on school grounds, on school property, on school buses, at school bus stops, at school sponsored events and activities and through the use of electronic technology or electronic communication on school computers, networks, forums and mailing lists that include the following components:

(a) A procedure for pupils, parents and school district employees to confidentially report to school officials incidents of harassment, intimidation or bullying. The school shall make available written forms designed to provide a full and detailed description of the incident and any other relevant information about the incident.

(b) A requirement that school district employees report in writing suspected incidents of harassment, intimidation or bullying to the appropriate school official and a description of appropriate disciplinary procedures for employees who fail to report suspected incidents that are known to the employee.

(c) A requirement that, at the beginning of each school year, school officials provide all pupils with a written copy of the rights, protections and support services available to a pupil who is an alleged victim of an incident reported pursuant to this paragraph.

(d) If an incident is reported pursuant to this paragraph, a requirement that school officials provide a pupil who is an alleged victim of the incident with a written copy of the rights, protections and support services available to that pupil.

(e) A formal process for the documentation of reported incidents of harassment, intimidation or bullying and for the confidentiality, maintenance and disposition of this documentation. School districts shall maintain documentation of all incidents reported pursuant to this paragraph for at least six years. The school shall not use that documentation to impose disciplinary action unless the appropriate school official has investigated and determined that the reported incidents of harassment, intimidation or bullying occurred. If a school provides documentation of reported incidents to persons other than school officials or law enforcement, all individually identifiable information shall be redacted.

(f) A formal process for the investigation by the appropriate school officials of suspected incidents of harassment, intimidation or bullying, including procedures for notifying the alleged victim on completion and disposition of the investigation.

(g) Disciplinary procedures for pupils who have admitted or been found to have committed incidents of harassment, intimidation or bullying.

(h) A procedure that sets forth consequences for submitting false reports of incidents of harassment, intimidation or bullying.

(i) Procedures designed to protect the health and safety of pupils who are physically harmed as the result of incidents of harassment, intimidation and bullying, including, if appropriate, procedures to contact emergency medical services or law enforcement agencies, or both.

(j) Definitions of harassment, intimidation and bullying.

38. Prescribe and enforce policies and procedures regarding changing or adopting attendance boundaries that include the following components:

- (a) A procedure for holding public meetings to discuss attendance boundary changes or adoptions that allows public comments.
- (b) A procedure to notify the parents or guardians of the students affected.
- (c) A procedure to notify the residents of the households affected by the attendance boundary changes.
- (d) A process for placing public meeting notices and proposed maps on the school district's website for public review, if the school district maintains a website.
- (e) A formal process for presenting the attendance boundaries of the affected area in public meetings that allows public comments.
- (f) A formal process for notifying the residents and parents or guardians of the affected area as to the decision of the governing board on the school district's website, if the school district maintains a website.
- (g) A formal process for updating attendance boundaries on the school district's website within ninety days of an adopted boundary change. The school district shall send a direct link to the school district's attendance boundaries website to the department of real estate.
- (h) If the land that a school was built on was donated within the past five years, a formal process to notify the entity that donated the land affected by the decision of the governing board.

39. If the state board of education determines that the school district has committed an overexpenditure as defined in § 15-107, provide a copy of the fiscal management report submitted pursuant to § 15-107, subsection H on its website and make copies available to the public on request. The school district shall comply with a request within five business days after receipt.

40. Ensure that the contract for the superintendent is structured in a manner in which up to twenty per cent of the total annual salary included for the superintendent in the contract is classified as performance pay. Nothing in this paragraph shall be construed to require school districts to increase total compensation for superintendents. Unless the school district governing board votes to implement an alternative procedure at a public meeting called for this purpose, the performance pay portion of the superintendent's total annual compensation shall be determined as follows:

- (a) Twenty-five per cent of the performance pay shall be determined based on the percentage of academic gain determined by the department of education of pupils who are enrolled in the school district compared to the academic gain achieved by the highest

ranking of the fifty largest school districts in this state. For the purposes of this subdivision, the department of education shall determine academic gain by the academic growth achieved by each pupil who has been enrolled at the same school in a school district for at least five consecutive months measured against that pupil's academic results in the 2008-2009 school year. For the purposes of this subdivision, of the fifty largest school districts in this state, the school district with pupils who demonstrate the highest statewide percentage of overall academic gain measured against academic results for the 2008-2009 school year shall be assigned a score of 100 and the school district with pupils who demonstrate the lowest statewide percentage of overall academic gain measured against academic results for the 2008-2009 school year shall be assigned a score of 0.

(b) Twenty-five per cent of the performance pay shall be determined by the percentage of parents of pupils who are enrolled at the school district who assign a letter grade of "A" to the school on a survey of parental satisfaction with the school district. The parental satisfaction survey shall be administered and scored by an independent entity that is selected by the governing board and that demonstrates sufficient expertise and experience to accurately measure the results of the survey. The parental satisfaction survey shall use standard random sampling procedures and provide anonymity and confidentiality to each parent who participates in the survey. The letter grade scale used on the parental satisfaction survey shall direct parents to assign one of the following letter grades:

- (i) A letter grade of "A" if the school district is excellent.
- (ii) A letter grade of "B" if the school district is above average.
- (iii) A letter grade of "C" if the school district is average.
- (iv) A letter grade of "D" if the school district is below average.
- (v) A letter grade of "F" if the school district is a failure.

(c) Twenty-five per cent of the performance pay shall be determined by the percentage of teachers who are employed at the school district and who assign a letter grade of "A" to the school on a survey of teacher satisfaction with the school. The teacher satisfaction survey shall be administered and scored by an independent entity that is selected by the governing board and that demonstrates sufficient expertise and experience to accurately measure the results of the survey. The teacher satisfaction survey shall use standard random sampling procedures and provide anonymity and confidentiality to each teacher who participates in the survey. The letter grade scale used on the teacher satisfaction survey shall direct teachers to assign one of the following letter grades:

- (i) A letter grade of "A" if the school district is excellent.
- (ii) A letter grade of "B" if the school district is above average.
- (iii) A letter grade of "C" if the school district is average.

(iv) A letter grade of “D” if the school district is below average.

(v) A letter grade of “F” if the school district is a failure.

(d) Twenty-five per cent of the performance pay shall be determined by other criteria selected by the governing board.

41. Maintain and store permanent public records of the school district as required by law. Notwithstanding § 39-101, the standards adopted by the Arizona state library, archives and public records for the maintenance and storage of school district public records shall allow school districts to elect to satisfy the requirements of this paragraph by maintaining and storing these records either on paper or in an electronic format, or a combination of a paper and electronic format.

B. Notwithstanding subsection A, paragraphs 7, 9 and 11 of this section, the county school superintendent may construct, improve and furnish school buildings or purchase or sell school sites in the conduct of an accommodation school.

C. If any school district acquires real or personal property, whether by purchase, exchange, condemnation, gift or otherwise, the governing board shall pay to the county treasurer any taxes on the property that were unpaid as of the date of acquisition, including penalties and interest. The lien for unpaid delinquent taxes, penalties and interest on property acquired by a school district:

1. Is not abated, extinguished, discharged or merged in the title to the property.

2. Is enforceable in the same manner as other delinquent tax liens.

D. The governing board may not locate a school on property that is less than one-fourth mile from agricultural land regulated pursuant to § 3-365, except that the owner of the agricultural land may agree to comply with the buffer zone requirements of § 3-365. If the owner agrees in writing to comply with the buffer zone requirements and records the agreement in the office of the county recorder as a restrictive covenant running with the title to the land, the school district may locate a school within the affected buffer zone. The agreement may include any stipulations regarding the school, including conditions for future expansion of the school and changes in the operational status of the school that will result in a breach of the agreement.

E. A school district, its governing board members, its school council members and its employees are immune from civil liability for the consequences of adoption and implementation of policies and procedures pursuant to subsection A of this section and § 15-342. This waiver does not apply if the school district, its governing board members, its school council members or its employees are guilty of gross negligence or intentional misconduct.

F. A governing board may delegate in writing to a superintendent, principal or head teacher the authority to prescribe procedures that are consistent with the governing board's policies.

G. Notwithstanding any other provision of this title, a school district governing board shall not take any action that would result in a reduction of pupil square footage unless the governing board notifies the school facilities board established by § 15-2001 of the proposed action and receives written approval from the school facilities board to take the action. A reduction includes an increase in administrative space that results in a reduction of pupil square footage or sale of school sites or buildings, or both. A reduction includes a reconfiguration of grades that results in a reduction of pupil square footage of any grade level. This subsection does not apply to temporary reconfiguration of grades to accommodate new school construction if the temporary reconfiguration does not exceed one year. The sale of equipment that results in a reduction that falls below the equipment requirements prescribed in § 15-2011, subsection B is subject to commensurate withholding of school district capital outlay revenue limit monies pursuant to the direction of the school facilities board. Except as provided in § 15-342, paragraph 10, proceeds from the sale of school sites, buildings or other equipment shall be deposited in the school plant fund as provided in § 15-1102.

H. subsections C through G of this section apply to a county board of supervisors and a county school superintendent when operating and administering an accommodation school.

ARKANSAS

ARK. CODE ANN. § 6-18-514 (2011). ANTIBULLYING POLICIES

(a) The General Assembly finds that every public school student in this state has the right to receive his or her public education in a public school educational environment that is reasonably free from substantial intimidation, harassment, or harm or threat of harm by another student.

(b) As used in this section:

(1) "Attribute" means an actual or perceived personal characteristic including without limitation race, color, religion, ancestry, national origin, socioeconomic status, academic status, disability, gender, gender identity, physical appearance, health condition, or sexual orientation;

(2) "Bullying" means the intentional harassment, intimidation, humiliation, ridicule, defamation, or threat or incitement of violence by a student against another student or public school employee by a written, verbal, electronic, or physical act that may address an attribute of the other student, public school employee, or person with whom the other

student or public school employee is associated and that causes or creates actual or reasonably foreseeable:

(A) Physical harm to a public school employee or student or damage to the public school employee's or student's property;

(B) Substantial interference with a student's education or with a public school employee's role in education;

(C) A hostile educational environment for one (1) or more students or public school employees due to the severity, persistence, or pervasiveness of the act; or

(D) Substantial disruption of the orderly operation of the school or educational environment;

(3) "Electronic act" means without limitation a communication or image transmitted by means of an electronic device, including without limitation a telephone, wireless phone or other wireless communications device, computer, or pager;

(4) "Harassment" means a pattern of unwelcome verbal or physical conduct relating to another person's constitutionally or statutorily protected status that causes, or reasonably should be expected to cause, substantial interference with the other's performance in the school environment; and

(5) "Substantial disruption" means without limitation that any one (1) or more of the following occur as a result of the bullying:

(A) Necessary cessation of instruction or educational activities;

(B) Inability of students or educational staff to focus on learning or function as an educational unit because of a hostile environment;

(C) Severe or repetitive disciplinary measures are needed in the classroom or during educational activities; or

(D) Exhibition of other behaviors by students or educational staff that substantially interfere with the learning environment.

(c) Bullying of a public school student or a public school employee is prohibited.

(d) A school principal or his or her designee who receives a credible report or complaint of bullying shall promptly investigate the complaint or report and make a record of the investigation and any action taken as a result of the investigation.

(e)(1) The board of directors of every school district shall adopt policies to prevent bullying.

(2) The policies shall:

(A)(i) Clearly define conduct that constitutes bullying.

(ii) The definition shall include without limitation the definition contained in subsection (a) of this section;

(B) Prohibit bullying:

(i) While in school, on school equipment or property, in school vehicles, on school buses, at designated school bus stops, at school-sponsored activities, at school-sanctioned events; or

(ii)(a) By an electronic act that results in the substantial disruption of the orderly operation of the school or educational environment.

(b) This section shall apply to an electronic act whether or not the electronic act originated on school property or with school equipment, if the electronic act is directed specifically at students or school personnel and maliciously intended for the purpose of disrupting school and has a high likelihood of succeeding in that purpose;

(C) State the consequences for engaging in the prohibited conduct, which may vary depending on the age or grade of the student involved;

(D) Require that a school employee who has witnessed or has reliable information that a pupil has been a victim of bullying as defined by the district shall report the incident to the principal;

(E) Require that the person or persons who file a complaint will not be subject to retaliation or reprisal in any form;

(F) Require that notice of what constitutes bullying, that bullying is prohibited, and that the consequences of engaging in bullying be conspicuously posted in every classroom, cafeteria, restroom, gymnasium, auditorium, and school bus in the district; and

(G) Require that copies of the notice of what constitutes bullying, that bullying is prohibited, and that the consequences of engaging in bullying be provided to parents, students, school volunteers, and employees. Each policy shall require that a full copy of the policy be made available upon request.

(f) A school district shall provide training on compliance with the antibullying policies to all public school district employees responsible for reporting or investigating bullying under this section.

(g) A school employee who has reported violations under the school district's policy shall be immune from any tort liability that may arise from the failure to remedy the reported incident.

(h) The board of directors of a school district may provide opportunities for school employees to participate in programs or other activities designed to develop the knowledge and skills to prevent and respond to acts covered by this policy.

(i)(1) The school district shall file with the Department of Education a copy of the policies adopted in compliance with this section.

(2) The State Board of Education shall review the policies provided by the school districts and may recommend changes or improvements to the districts if the state board determines that the policies need improvement.

(j) This section is not intended to:

(1) Restrict a public school district from adopting and implementing policies against bullying or school violence or policies to promote civility and student dignity that are more inclusive than the antibullying policies required under this section; or

(2) Unconstitutionally restrict protected rights of freedom of speech, freedom of religious exercise, or freedom of assembly.

CALIFORNIA

CAL. EDUC. CODE § 32261 (2011). LEGISLATIVE FINDINGS, DECLARATION, INTENT; DEFINITIONS

(a) The Legislature hereby recognizes that all pupils enrolled in the state public schools have the inalienable right to attend classes on school campuses that are safe, secure, and peaceful. The Legislature also recognizes that pupils cannot fully benefit from an educational program unless they attend school on a regular basis. In addition, the Legislature further recognizes that school crime, vandalism, truancy, and excessive absenteeism are significant problems on far too many school campuses in the state.

(b) The Legislature hereby finds and declares that the establishment of an interagency coordination system is the most efficient and long-lasting means of resolving school and community problems of truancy and crime, including vandalism, drug and alcohol abuse, gang membership, gang violence, and hate crimes.

(c) It is the intent of the Legislature in enacting this chapter to support California public schools as they develop their mandated comprehensive safety plans that are the result of a systematic planning process, that include strategies aimed at the prevention of, and education about, potential incidents involving crime and violence on school campuses,

and that address the safety concerns of local law enforcement agencies, community leaders, parents, pupils, teachers, administrators, school police, and other school employees interested in the prevention of school crime and violence.

(d) It is the intent of the Legislature in enacting this chapter to encourage school districts, county offices of education, law enforcement agencies, and agencies serving youth to develop and implement interagency strategies, in-service training programs, and activities that will improve school attendance and reduce school crime and violence, including vandalism, drug and alcohol abuse, gang membership, gang violence, hate crimes, bullying, including bullying committed personally or by means of an electronic act, teen relationship violence, and discrimination and harassment, including, but not limited to, sexual harassment.

(e) It is the intent of the Legislature in enacting this chapter that the School/Law Enforcement Partnership shall not duplicate any existing gang or drug and alcohol abuse program currently provided for schools.

(f) As used in this chapter, “bullying” means one or more acts by a pupil or group of pupils as defined in Section 48900.2, 48900.3, or 48900.4.

(g) As used in this chapter, an “electronic act” means the transmission of a communication, including, but not limited to, a message, text, sound, or image by means of an electronic device, including, but not limited to, a telephone, wireless telephone or other wireless communication device, computer, or pager.

CAL. EDUC. CODE § 32265(a)(b)(9) (2011). SPONSORSHIP OF REGIONAL CONFERENCES; TOPICS

(a) The partnership shall sponsor at least two regional conferences for school districts, county offices of education, agencies serving youth, allied agencies, community-based organizations, and law enforcement agencies to identify exemplary programs and techniques that have been effectively used to reduce school crime, including hate crimes, vandalism, drug and alcohol abuse, gang membership and gang violence, truancy, and excessive absenteeism.

(b) The conference may include, but need not be limited to, information on all of the following topics:

(9) Bullying prevention, including the prevention of acts committed personally or by means of an electronic act.

CAL. EDUC. CODE § 32270 (2011). ESTABLISHMENT; PURPOSES; MEMBERSHIP AND TRAINING

(a) The partnership shall establish a statewide school safety cadre for the purpose of facilitating interagency coordination and collaboration among school districts, county offices of education, agencies serving youth, allied agencies, community-based organizations, and law enforcement agencies to improve school attendance, encourage

good citizenship, and to reduce school violence, school crime, including hate crimes, vandalism, drug and alcohol abuse, gang membership and gang violence, truancy rates, bullying, including acts that are committed personally or by means of an electronic act, teen relationship violence, and discrimination and harassment, including, but not limited to, sexual harassment.

(b) The partnership may appoint up to 100 professionals from educational agencies, community-based organizations, allied agencies, and law enforcement to the statewide cadre.

(c) The partnership shall provide training to the statewide cadre representatives to enable them to initiate and maintain school community safety programs among school districts, county offices of education, agencies serving youth, allied agencies, community-based organizations, and law enforcement agencies in each region.

**CAL. EDUC. CODE § 48900(r)(s)(u)(v)(w) (2011). GROUNDS FOR
SUSPENSION OR EXPULSION; LEGISLATIVE INTENT**

A pupil shall not be suspended from school or recommended for expulsion, unless the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has committed an act as defined pursuant to any of subdivisions (a) to (r), inclusive:

*

(r) Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act, as defined in subdivisions (f) and (g) of Section 32261, directed specifically toward a pupil or school personnel.

(s) A pupil shall not be suspended or expelled for any of the acts enumerated in this section, unless that act is related to school activity or school attendance occurring within a school under the jurisdiction of the superintendent of the school district or principal or occurring within any other school district. A pupil may be suspended or expelled for acts that are enumerated in this section and related to school activity or attendance that occur at any time, including, but not limited to, any of the following:

- (1) While on school grounds.
- (2) While going to or coming from school.
- (3) During the lunch period whether on or off the campus.
- (4) During, or while going to or coming from, a school sponsored activity.

(u) As used in this section, “school property” includes, but is not limited to, electronic files and databases.

(v) A superintendent of the school district or principal may use his or her discretion to provide alternatives to suspension or expulsion, including, but not limited to, counseling and an anger management program, for a pupil subject to discipline under this section.

(w) It is the intent of the Legislature that alternatives to suspension or expulsion be imposed against a pupil who is truant, tardy, or otherwise absent from school activities.

THE FOLLOWING BILL HAS NOT BEEN ENACTED AND IS CURRENTLY NOT THE LAW OF CALIFORNIA. A. 9, 2011-12 LEG., REG. SESS. (CAL. 2011). AN ACT TO AMEND SECTIONS 48900 AND 48900.5 OF, AND TO ADD SECTIONS 234.4, 234.5, 234.6, 234.7, 234.8, AND 48900.45 TO , THE EDUCATION CODE, RELATING TO PUPIL RIGHTS

Bill Status: Passed Assembly. Senate – Read Second Time; Committee on Education Recommended Do Pass; In Committee on Appropriations as of 06/22/2011

*

SEC. 7. Section 48900 of the Education Code is amended to read:

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(v) A **For a pupil subject to discipline under this section, a** superintendent of the school district or principal may use his or her discretion to provide alternatives to suspension or expulsion **that are age-appropriate and designed to correct and address the root causes of the pupil's specific misbehavior by giving the pupil notice of the inappropriateness of the behaviors teaching him or her appropriate behavior, and instituting increasingly severe responses for repeated instances of the same type of misbehavior, while still retaining the pupil in class or school** , including, but not limited to, ~~counseling and an anger management program, for a pupil subject to discipline under this section.~~ **any of the following:**

(1) Meeting with the pupil and his or her parent or guardian.

(2) Reflective activities, such as writing an essay about the misbehavior.

(3) Mediation to address the conflict between pupils.

(4) Counseling.

(5) Anger management.

(6) Health counseling or intervention.

(7) Mental health counseling.

(8) Social-emotional cognitive skill building.

(9) Community service, pursuant to Section 48900.6.

(10) In-school detention or supervision during lunchtime, after school, or on weekends.

**

THE FOLLOWING BILL HAS NOT BEEN ENACTED AND IS CURRENTLY NOT THE LAW OF CALIFORNIA. A. 746, 2011-12 LEG., REG. SESS. (CAL. 2011).

PUPILS: CYBER BULLYING

Bill Status: Passed Assembly and Senate. Presented to Governor on 06/27/2011

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 32261 of the Education Code is amended to read:

32261.

(a) The Legislature hereby recognizes that all pupils enrolled in the state public schools have the inalienable right to attend classes on school campuses that are safe, secure, and peaceful. The Legislature also recognizes that pupils cannot fully benefit from an educational program unless they attend school on a regular basis. In addition, the Legislature further recognizes that school crime, vandalism, truancy, and excessive absenteeism are significant problems on far too many school campuses in the state.

(b) The Legislature hereby finds and declares that the establishment of an interagency coordination system is the most efficient and long-lasting means of resolving school and community problems of truancy and crime, including vandalism, drug and alcohol abuse, gang membership, gang violence, and hate crimes.

(c) It is the intent of the Legislature in enacting this chapter to support California public schools as they develop their mandated comprehensive safety plans that are the result of a systematic planning process, that include strategies aimed at the prevention of, and education about, potential incidents involving crime and violence on school campuses, and that address the safety concerns of local law enforcement agencies, community leaders, parents, pupils, teachers, administrators, school police, and other school employees interested in the prevention of school crime and violence.

(d) It is the intent of the Legislature in enacting this chapter to encourage school districts, county offices of education, law enforcement agencies, and agencies serving youth to develop and implement interagency strategies, in-service training programs, and activities that will improve school attendance and reduce school crime and violence, including vandalism, drug and alcohol abuse, gang membership, gang violence, hate crimes, bullying, including bullying committed personally or by means of an electronic act, which includes the posting of messages on a social network Internet Web site, teen relationship violence, and discrimination and harassment, including, but not necessarily limited to, sexual harassment.

(e) It is the intent of the Legislature in enacting this chapter that the School/Law Enforcement Partnership shall not duplicate any existing gang or drug and alcohol abuse program currently provided for schools.

(f) As used in this chapter, “bullying” means one or more acts by a pupil or group of pupils as defined in Section 48900.2, 48900.3, or 48900.4.

(g) As used in this chapter, an “electronic act” means the transmission of a communication, including, but not necessarily limited to, a message, text, sound, or image, or a post on a social network Internet Web site, by means of an electronic device, including, but not necessarily limited to, a telephone, wireless telephone or other wireless communication device, computer, or pager.

COLORADO

COLO. REV. STAT. § 16-15.8-101 (2011). LEGISLATIVE DECLARATION

(1) The general assembly hereby finds and declares that:

(a) According to the United States secret service, in seventy-five percent of dangerous or violent incidents in schools, someone other than the attacker knew the incident was going to happen but did not report or act on that knowledge;

(b) The ability to anonymously report information about dangerous, violent, or criminal activities before or after they have occurred is critical in reducing these types of events in schools;

(c) The national safe-2-tell program empowers students, teachers, other school employees, and the community by allowing them to easily provide anonymous information about dangerous, violent, or criminal activities to appropriate law enforcement and public safety agencies through a single electronic hotline; and

(d) The safe-2-tell program has a proven national record of success in prevention and intervention in cases of threats to people or property, assaults, bullying, child abuse, substance abuse, cutting, suicide, gangs, weapons, internet safety, or other dangerous, violent, or criminal activities.

(2) The general assembly therefore finds that it is appropriate and necessary to provide for the anonymity of a person who provides information through the safe-2-tell hotline and to provide for the confidentiality of safe-2-tell program records.

COLO. REV. STAT. § 22-32-109.1(1)(2)(a)(x) (2011). BOARD OF EDUCATION - SPECIFIC POWERS AND DUTIES - SAFE SCHOOLS

(1) Mission statement. Each school district board of education shall adopt a mission statement for the school district, which statement shall include making safety a priority in each public school of the school district.

(2) Safe school plan. In order to provide a learning environment that is safe, conducive to the learning process, and free from unnecessary disruption, following consultation with the school district accountability committee and school accountability committees,

parents, teachers, administrators, students, student councils where available, and, where appropriate, the community at large, each school district board of education shall adopt and implement a safe school plan, or review and revise, if necessary, any existing plans or policies already in effect, which shall include, but not be limited to, the following:

(a) Conduct and discipline code. A concisely written conduct and discipline code that shall be enforced uniformly, fairly, and consistently for all students. Copies of the code shall be provided to each student upon enrollment at the elementary, middle, and high school levels and shall be posted or kept on file at each public school in the school district. The code shall include, but shall not be limited to:

(X) On and after August 8, 2001, a specific policy concerning bullying prevention and education. For purposes of this subparagraph (X), “bullying” means any written or verbal expression, or physical act or gesture, or a pattern thereof, that is intended to cause distress upon one or more students in the school, on school grounds, in school vehicles, at a designated school vehicle stop, or at school activities or sanctioned events. The school district's policy shall include a reasonable balance between the pattern and the severity of such bullying behavior.

2011 COLO. LEGIS. SERV. CH. 173 (WEST) (H.R. 11-1254). BULLYING IN SCHOOLS

AN ACT CONCERNING MEASURES TO REDUCE THE FREQUENCY OF BULLYING IN SCHOOLS.

Be it Enacted by the General Assembly of the State of Colorado:

SECTION 1. Title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW ARTICLE to read:

T. 22 Art. 93 pr. § 22–93–101

ARTICLE 93

School Bullying Prevention and Education Grant Program

<< CO ST § 22–93–101 >>

22–93–101. Definitions. As used in this article, unless the context otherwise requires:

(1) “Bullying” shall have the same meaning as set forth in section 22–32–

109.1(2)(a)(X)(B).

(2) “Cash fund” means the school bullying prevention and education cash fund created in section 22–93–105.

(3) “Department” means the department of education created and existing pursuant to section 24–1–115, C.R.S.

- (4) "Facility school" means an approved facility school, as defined in section 22-2-402(1).
- (5) "Program" means the school bullying prevention and education grant program created in section 22-93-102.
- (6) "Public school" means a school of a school district, a district charter school, an institute charter school, or a board of cooperative services, as defined in section 22-5-103.
- (7) "State board" means the state board of education created pursuant to section 1 of article IX of the state constitution.
- << CO ST § 22-93-102 >>

22-93-102. School bullying prevention and education grant program--created. (1) There is hereby created in the department the school bullying prevention and education grant program. Under the program, on and after July 1, 2012, or not more than ninety days after the promulgation of rules by the state board pursuant to section 22-93-104, whichever is later, a public school, a facility school, or a collaborative group of public schools or facility schools may apply for a grant to fund efforts to reduce the frequency of bullying incidents. The department shall administer the program in consultation with the school safety resource center created in section 24-33.5-1803, C.R.S.

(2) Notwithstanding any other provision of this article, the department shall not be required to implement the provisions of this article until sufficient moneys have been transferred or appropriated to the cash fund.

(3) The department is hereby authorized to hire any employees necessary to carry out the duties associated with the provisions of this article. The creation of any new positions of employment within the department pursuant to this article shall be subject to the availability of sufficient moneys in the cash fund and shall be eliminated when sufficient moneys are no longer available in the cash fund. The department shall ensure that all position descriptions and notices to hire for positions created pursuant to this article clearly state that such positions are subject to the availability of sufficient moneys in the cash fund.

<< CO ST § 22-93-103 >>

22-93-103. School bullying prevention and education grant program--grant process--reports by grant recipients. (1) The department shall solicit and review applications from public schools and facility schools for grants pursuant to this section. The department may award grants to public schools, facility schools, and collaborative groups of public schools and facility schools for periods of one to three years.

(2) Each application, at a minimum, shall describe how the applicant public school, facility school, or collaborative group of public schools or facility schools will use any awarded grant moneys to reduce the frequency of bullying incidents. Each grant recipient shall use its grant moneys to supplement and not supplant any moneys currently being used by the grant recipient to reduce the frequency of bullying incidents.

(3) The department shall select those public schools, facility schools, and collaborative groups of public schools and facility schools that will receive grants pursuant to this section and the duration and amount of each grant. In selecting the grant recipients, the

department, at a minimum, shall take into account the criteria established by rules promulgated by the state board pursuant to section 22-93-104(1)(b).

(4) On or before a date specified by rule of the state board pursuant to section 22-93-104(1)(d), the department shall submit annually to the state board and to the education committees of the senate and house of representatives, or any successor committees, the following information regarding the administration of the program in the preceding year:

- (a) The number of grant recipients that received grants under the program;
- (b) The amount of each grant awarded to each grant recipient;
- (c) The average amount of each grant awarded under the program;
- (d) The number of pupils who are either enrolled at each public school of each grant recipient or receiving services through each facility school of each grant recipient; and
- (e) The source and amount of each gift, grant, and donation received by the department for the implementation of this article pursuant to section 22-93-105(3)(b).

(5) In selecting grant recipients, the department, to the extent possible, shall ensure that grants are awarded to public schools, facility schools, and collaborative groups of public schools and facility schools in a variety of geographic areas of the state.

(6) Each grant recipient shall submit a written report to the department not later than six months after the expiration of the term of the grant concerning the effectiveness or ineffectiveness of each use of grant moneys by the grant recipient in reducing the frequency of bullying incidents.

<< CO ST § 22-93-104 >>

22-93-104. Rules. (1) On or before April 1, 2012, or not more than ninety days after the department receives sufficient moneys to implement this article as described in section 22-93-102(2), whichever is later, the state board shall promulgate rules for the administration of this article, including but not limited to:

- (a) Application procedures by which public schools, facility schools, and collaborative groups of public schools and facility schools may apply for grants pursuant to this article;
- (b) Criteria for the department to apply in selecting the public schools, facility schools, and collaborative groups of public schools and facility schools that shall receive grants and determining the amount of grant moneys to be awarded to each grant recipient, which criteria, at a minimum, shall require each grant recipient to:

(I) Use awarded grant moneys for purposes that are based upon evidence-based best practices for preventing bullying;

(II) Use at least a portion of awarded grant moneys for the purpose of educating students' parents and legal guardians regarding the grant recipient's policies concerning bullying prevention and education and the grant recipient's ongoing efforts to reduce the frequency of bullying incidents; and

(III) Adopt a specific policy concerning bullying education and prevention that includes:

(A) Provisions for the biennial administration of surveys of students' impressions of the severity of bullying in their schools, the administration of which surveys, at a minimum, shall satisfy the rules promulgated by the state board pursuant to paragraph (c) of this subsection (1); and

(B) The designation of a team of persons at each school of the school district who advise the school administration concerning the severity and frequency of bullying incidents that occur in the school, which team may include, but need not be limited to, law enforcement

officials, social workers, prosecutors, health professionals, mental health professionals, counselors, teachers, administrators, parents, and students.

(c) Rules for the administration of surveys of students' impressions of the severity of bullying in their schools, which procedures, at a minimum, shall include:

(I) Procedures for the distribution, collection, standardization, and analysis of data collected in each survey, which procedures shall ensure the confidentiality of each student's answers to the survey and clarify that the completion of a survey shall be voluntary and shall not be required of any student;

(II) Certain questions that each survey shall ask of each student concerning how frequently the student witnesses bullying at his or her school and how frequently the student perceives himself or herself to be a victim of bullying; and

(III) Provisions to ensure that, to the extent practicable, a school district or school, including a district charter school or an institute charter school, may utilize existing forms and procedures in administering the surveys.

(d) The designation of a date by which the department shall annually submit to the state board and to the education committees of the senate and house of representatives, or any successor committees, the information described in section 22-93-103(4).

<< CO ST § 22-93-105 >>

22-93-105. School bullying prevention and education cash fund--created. (1) There is hereby established in the state treasury the school bullying prevention and education cash fund. The cash fund shall consist of moneys transferred thereto pursuant to subsection (3) of this section and any other moneys that may be made available by the general assembly. The moneys in the cash fund are continuously appropriated to the department for the direct and indirect costs associated with implementing this article. Any moneys not provided as grants may be invested by the state treasurer as provided in section 24-36-113, C.R.S. All interest and income derived from the investment and deposit of moneys in the cash fund shall be credited to the cash fund. Any amount remaining in the cash fund at the end of any fiscal year shall remain in the cash fund and shall not be credited or transferred to the general fund or to any other fund.

(2) No more than five percent of the moneys annually expended from the cash fund may be used for the expenses incurred by the department in administering this article.

(3)(a) No general fund moneys shall be appropriated to the cash fund for the implementation of this article.

(b) The department may seek, accept, and expend public or private gifts, grants, and donations from public and private sources to implement this article; except that the department shall not accept a gift, grant, or donation that is subject to conditions that are inconsistent with the provisions of this article or any other law of the state. The department shall transfer all private and public moneys received through gifts, grants, and donations to the state treasurer, who shall credit the same to the cash fund.

(4) Nothing in this section shall be interpreted to require the department to solicit moneys for the purposes of this article.

<< CO ST § 22-93-106 >>

22-93-106. School bullying prevention and education--availability of best practices and other resources. (1) On or before November 1, 2011, the department shall create a page

on its public web site at which the department shall continuously make publicly available evidence-based best practices and other resources for educators and other professionals engaged in bullying prevention and education.

(2) The department shall solicit evidence-based best practices and other resources from the school safety resource center created in section 24–33.5–1803, C.R.S.; from school districts; from the state charter school institute established in section 22–30.5–503; and from other state and federal agencies that are concerned with school bullying prevention and education. The department shall review materials that it receives and, as may be appropriate, make such materials available to the public on the web site described in subsection (1) of this section.

SECTION 2. 22–32–109.1(2)(a)(IX), (2)(a)(X), and (2)(b)(IV)(G), Colorado Revised Statutes, are amended to read:

<< CO ST § 22–32–109.1 >>

22–32–109.1. Board of education--specific powers and duties--safe schools. (2) Safe school plan. In order to provide a learning environment that is safe, conducive to the learning process, and free from unnecessary disruption, following consultation with the school district accountability committee and school accountability committees, parents, teachers, administrators, students, student councils where available, and, where appropriate, the community at large, each school district board of education shall adopt and implement a safe school plan, or review and revise, if necessary, any existing plans or policies already in effect, which shall include, but not be limited to, the following:

(a) Conduct and discipline code. A concisely written conduct and discipline code that shall be enforced uniformly, fairly, and consistently for all students. Copies of the code shall be provided to each student upon enrollment at the elementary, middle, and high school levels and shall be posted or kept on file at each public school in the school district. The code shall include, but shall not be limited to:

(IX) A dress code policy that encourages school pride and unity, promotes uniformity of dress, and defines and prohibits students from wearing apparel that is deemed disruptive to the classroom environment or to the maintenance of a safe and orderly school. The dress code policy may require students to wear a school uniform or may establish minimum standards of dress; and

(X)(A) On and after August 8, 2001, a specific policy concerning bullying prevention and education. For purposes of this subparagraph (X), “bullying” means any written or verbal expression, or physical act or gesture, or a pattern thereof, that is intended to cause distress upon one or more students in the school, on school grounds, in school vehicles, at a designated school vehicle stop, or at school activities or sanctioned events. The school district's policy shall, include a reasonable balance between the pattern and the severity of such bullying behavior Each school district is encouraged to ensure that its policy, at a minimum, incorporates the biennial administration of surveys of students' impressions of the severity of bullying in their schools, as described in section 22–93–104(1)(c); character building; and the designation of a team of persons at each school of the school district who advise the school administration concerning the severity and frequency of bullying incidents that occur in the school, which team may include, but need not be limited to, law enforcement officials, social workers, prosecutors, health professionals,

mental health professionals, counselors, teachers, administrators, parents, and students. Each school district's policy shall set forth appropriate disciplinary consequences for students who bully other students and for any person who takes any retaliatory action against a student who reports in good faith an incident of bullying, which consequences shall comply with all applicable state and federal laws.

(B) For purposes of this subparagraph (X), "bullying" means any written or verbal expression, or physical or electronic act or gesture, or a pattern thereof, that is intended to coerce, intimidate, or cause any physical, mental, or emotional harm to any student. Bullying is prohibited against any student for any reason, including but not limited to any such behavior that is directed toward a student on the basis of his or her academic performance; or against whom federal and state laws prohibit discrimination upon any of the bases described in section 22-32-109(1)(II)(I). This definition is not intended to infringe upon any right guaranteed to any person by the first amendment to the United States constitution or to prevent the expression of any religious, political, or philosophical views.

(b) Safe school reporting requirements. A policy whereby the principal of each public school in a school district shall submit annually, in a manner and by a date specified by rule of the state board, a written report to the board of education of such school district concerning the learning environment in the school during that school year. The board of education of the school district annually shall compile the reports from every school in the district and shall submit the compiled report to the department of education in a format specified by rule of the state board. The compiled report shall be made available to the general public. Such report shall include, but need not be limited to, the following specific information for the preceding school year:

(IV) The number of conduct and discipline code violations, each of which violations shall be reported only in the most serious category that is applicable to that violation, including but not limited to specific information on the number of and the action taken with respect to each of the following types of violations:

(G) Behavior on school property that is detrimental to the welfare or safety of other students or of school personnel, including but not limited to incidents of bullying, as described by subparagraph (X) of paragraph (a) of this subsection (2), and other behavior that creates a threat of physical harm to the student or to other students;

SECTION 3. Part 1 of article 30.5 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

<< CO ST § 22-30.5-116 >>

22-30.5-116. Charter schools--school bullying policies required. (1) On or before October 1, 2011, each charter school shall adopt and implement a policy concerning bullying prevention and education. Each charter school's policy, at a minimum, shall set forth appropriate disciplinary consequences for students who bully other students and for any person who takes any retaliatory action against a student who reports in good faith an incident of bullying, which consequences shall comply with all applicable state and federal laws.

(2) For the purposes of this section, "bullying" shall have the same meaning as set forth in section 22-32-109.1(2)(a)(X)(B).

(3) Each charter school is encouraged to ensure that its policy, at a minimum, incorporates the biennial administration of surveys of students' impressions of the severity of bullying in their schools, as described in section 22-93-104(1)(c); includes character building; and includes the designation of a team of persons at each school of the school district who advise the school administration concerning the severity and frequency of bullying incidents that occur in the school, which team may include, but need not be limited to, law enforcement officials, social workers, prosecutors, health professionals, mental health professionals, counselors, teachers, administrators, parents, and students.

SECTION 4. 22-30.5-502, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

<< CO ST § 22-30.5-502 >>

22-30.5-502. Definitions. As used in this part 5, unless the context otherwise requires:

(2.5) "Bullying" shall have the same meaning as set forth in section 22-32-109.1(2)(a)(X)(B).

SECTION 5. 22-30.5-505, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

<< CO ST § 22-30.5-505 >>

22-30.5-505. State charter school institute--institute board--appointment--powers and duties--rules--repeal. (19)(a) Pursuant to section 22-30.5-521, on or before October 1, 2011, the institute shall adopt and implement a policy concerning bullying prevention and education. The policy, at a minimum, shall set forth appropriate disciplinary consequences for students who bully other students and for any person who takes any retaliatory action against a student who reports in good faith an incident of bullying, which consequences shall comply with all applicable state and federal laws.

(b) The institute is encouraged to include in the policy it adopts and implements pursuant to paragraph (a) of this subsection (19) the biennial administration of surveys of students' impressions of the severity of bullying in their schools, as described in section 22-93-104(1)(c); character building; and the designation of a team of persons at each institute charter school who advise the school administration concerning the severity and frequency of bullying incidents that occur in the school, which team may include, but need not be limited to, law enforcement officials, social workers, prosecutors, health professionals, mental health professionals, counselors, teachers, administrators, parents, and students.

SECTION 6. Part 5 of article 30.5 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

<< CO ST § 22-30.5-521 >>

22-30.5-521. Institute charter schools--school bullying policies required. On or before October 1, 2011, each institute charter school shall implement the policy of the institute

concerning bullying prevention and education, which policy is adopted by the institute pursuant to section 22–30.5–505(19).

SECTION 7. 24–33.5–1803(3)(e), Colorado Revised Statutes, is amended, and the said 24–33.5–1803 is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

<< CO ST § 24–33.5–1803 >>

24–33.5–1803. School safety resource center--created--duties. (3) The center has the following duties:

(e) To make information and other resources available to all schools and school officials; and

(h)(I) To consult with school districts, schools, and charter schools concerning evidence-based best practices for bullying prevention and education;

(II) To consult with the department of education concerning its administration of the school bullying prevention and education grant program created in section 22–93–102, C.R.S.; and

(III) To submit evidence-based best practices for bullying prevention and education to the department of education for the purposes of section 22–93–106, C.R.S.

SECTION 8. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved May 13, 2011.

CONNECTICUT

CONN. GEN. STAT. § 10-222d (2011). POLICY ON BULLYING BEHAVIOR

Each local and regional board of education shall develop and implement a policy to address the existence of bullying in its schools. Such policy shall: (1) Enable students to anonymously report acts of bullying to teachers and school administrators and require students to be notified annually of the process by which they may make such reports, (2) enable the parents or guardians of students to file written reports of suspected bullying, (3) require teachers and other school staff who witness acts of bullying or receive student reports of bullying to notify school administrators in writing, (4) require school administrators to investigate any written reports made under this section and to review any anonymous reports, except that no disciplinary action shall be taken solely on the basis of an anonymous report, (5) include a prevention and intervention strategy, as defined by section 10-222g, for school staff to deal with bullying, (6) provide for the inclusion of language in student codes of conduct concerning bullying, (7) require each school to notify the parents or guardians of students who commit any verified acts of bullying and the parents or guardians of students against whom such acts were directed, and invite them to attend at least one meeting, (8) require each school to maintain a list of the number of verified acts of bullying in such school and make such list available for

public inspection, and, within available appropriations, report such number to the Department of Education, annually and in such manner as prescribed by the Commissioner of Education, (9) direct the development of case-by-case interventions for addressing repeated incidents of bullying against a single individual or recurrently perpetrated bullying incidents by the same individual that may include both counseling and discipline, and (10) identify the appropriate school personnel, which may include, but shall not be limited to, pupil services personnel, responsible for taking a bullying report and investigating the complaint. The notification required pursuant to subdivision (7) of this section shall include a description of the response of school staff to such acts and any consequences that may result from the commission of further acts of bullying. For purposes of this section, "bullying" means any overt acts by a student or a group of students directed against another student with the intent to ridicule, harass, humiliate or intimidate the other student while on school grounds, at a school-sponsored activity or on a school bus, which acts are committed more than once against any student during the school year. Such policies may include provisions addressing bullying outside of the school setting if it has a direct and negative impact on a student's academic performance or safety in school. Not later than February 1, 2009, each local and regional board of education shall submit the policy developed pursuant to this section to the Department of Education. Not later than July 1, 2009, each local or regional board of education shall ensure that the policy is included in the school district's publication of the rules, procedures and standards of conduct for schools and in all student handbooks.

2011 CONN. PUB. ACTS 11-232 (JAN. SESS.) (S. 1138) AN ACT CONCERNING THE STRENGTHENING OF SCHOOL BULLYING LAWS

Bill Status: Passed House and Senate. Transmitted to the Secretary of State on 6/30/2011

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 10-222d of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2011):

(a) As used in this section and sections 10-222g, as amended by this act, 10-222h, as amended by this act, and sections 4 and 9 of this act:

(1) "Bullying" means (A) the repeated use by one or more students of a written, oral or electronic communication, such as cyberbullying, directed at or referring to another student attending school in the same school district, or (B) a physical act or gesture by one or more students repeatedly directed at another student attending school in the same school district, that: (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. 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 individual or group who has or is perceived to have one or more of such characteristics;

(2) “Cyberbullying” means any act of bullying through the use of the Internet, interactive and digital technologies, cellular mobile telephone or other mobile electronic devices or any electronic communications;

(3) “Mobile electronic device” means any hand-held or other portable electronic equipment capable of providing data communication between two or more individuals, including, but not limited to, a text messaging device, a paging device, a personal digital assistant, a laptop computer, equipment that is capable of playing a video game or a digital video disk, or equipment on which digital images are taken or transmitted;

(4) “Electronic communication” means any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic or photo-optical system;

(5) “Hostile environment” means a situation in which bullying among students is sufficiently severe or pervasive to alter the conditions of the school climate;

(6) “Outside of the school setting” means at a location, activity or program that is not school related, or through the use of an electronic device or a mobile electronic device that is not owned, leased or used by a local or regional board of education;

(7) “School employee” means (A) a teacher, substitute teacher, school administrator, school superintendent, guidance counselor, psychologist, social worker, nurse, physician, school paraprofessional or coach employed by a local or regional board of education or working in a public elementary, middle or high school; or (B) any other individual who, in the performance of his or her duties, has regular contact with students and who provides services to or on behalf of students enrolled in a public elementary, middle or high school, pursuant to a contract with the local or regional board of education; and

(8) “School climate” means the quality and character of school life with a particular focus on the quality of the relationships within the school community between and among students and adults.

(b) Each local and regional board of education shall develop and implement a ~~policy~~ **safe school climate plan** to address the existence of bullying in its schools.

Such ~~policy~~ **plan** shall: (1) Enable students to anonymously report acts of bullying to ~~teachers and school administrators~~ **school employees** and require students **and the parents or guardians of students** to be notified annually of the process by which ~~they~~ **students** may make such reports, (2) enable the parents or guardians of students to file written reports of suspected bullying, (3) require ~~teachers and other school staff~~ **school employees** who witness acts of bullying or receive ~~student~~ reports of bullying

to orally notify school administrators in writing the safe school climate specialist, described in section 9 of this act, or another school administrator if the safe school climate specialist is unavailable, not later than one school day after such school employee witnesses or receives a report of bullying, and to file a written report not later than two school days after making such oral report, (4) require school administrators to investigate any the safe school climate specialist to investigate or supervise the investigation of all reports of bullying and ensure that such investigation is completed promptly after receipt of any written reports made under this section, and (5) require the safe school climate specialist to review any anonymous reports, except that no disciplinary action shall be taken solely on the basis of an anonymous report, (5) (6) include a prevention and intervention strategy, as defined by section 10-222g, as amended by this act, for school staff employees to deal with bullying, (6) (7) provide for the inclusion of language in student codes of conduct concerning bullying, (7) (8) require each school to notify the parents or guardians of students who commit any verified acts of bullying and the parents or guardians of students against whom such acts were directed, and invite them to attend at least one meeting, (8) require each school not later than forty-eight hours after the completion of the investigation described in subdivision (4) of this subsection, (9) require each school to invite the parents or guardians of a student who commits any verified act of bullying and the parents or guardians of the student against whom such act was directed to a meeting to communicate to such parents or guardians the measures being taken by the school to ensure the safety of the student against whom such act was directed and to prevent further acts of bullying, (10) establish a procedure for each school to document and maintain records relating to reports and investigations of bullying in such school and to maintain a list of the number of verified acts of bullying in such school and make such list available for public inspection, and, within available appropriations, annually report such number to the Department of Education, annually and in such manner as prescribed by the Commissioner of Education, (9) (11) direct the development of case-by-case interventions for addressing repeated incidents of bullying against a single individual or recurrently perpetrated bullying incidents by the same individual that may include both counseling and discipline, and (10) identify the appropriate school personnel, which may include, but shall not be limited to, pupil services personnel, responsible for taking a bullying report and investigating the complaint (12) prohibit discrimination and retaliation against an individual who reports or assists in the investigation of an act of bullying, (13) direct the development of student safety support plans for students against whom an act of bullying was directed that address safety measures the school will take to protect such students against further acts of bullying, (14) require the principal of a school, or the principal's designee, to notify the appropriate local law enforcement agency when such principal, or the principal's designee, believes that any acts of bullying constitute criminal conduct, (15) prohibit bullying (A) on school grounds, at a school-sponsored or school-related activity, function or program whether on or off school grounds, at a school bus stop, on a school bus or other vehicle owned, leased or used by a local or regional board of education, or through the use of an electronic device or an electronic mobile device owned, leased or used by the local or regional board of education, and (B) outside of the school setting if such bullying (i) creates a

hostile environment at school for the student against whom such bullying was directed, (ii) infringes on the rights of the student against whom such bullying was directed at school, or (iii) substantially disrupts the education process or the orderly operation of a school, (16) require, at the beginning of each school year, each school to provide all school employees with a written or electronic copy of the school district's safe school climate plan, and (17) require that all school employees annually complete the training described in section 10-220a, as amended by this act, or section 6 of this act. The notification required pursuant to subdivision ~~(7)~~ (8) of this subsection and the invitation required pursuant to subdivision (9) of this section ~~subsection~~ shall include a description of the response of school staff ~~employees~~ to such acts and any consequences that may result from the commission of further acts of bullying. For purposes of this section, "bullying" means any overt acts by a student or a group of students directed against another student with the intent to ridicule, harass, humiliate or intimidate the other student while on school grounds, at a school-sponsored activity or on a school bus, which acts are committed more than once against any student during the school year. Such policies may include provisions addressing bullying outside of the school setting if it has a direct and negative impact on a student's academic performance or safety in school.

(c) Not later than February 1, 2009 **January 1, 2012**, each local and regional board of education shall ~~submit the policy~~ **approve the safe school climate plan** developed pursuant to this section **and submit such plan** to the Department of Education. Not later than July 1, 2009, each **thirty calendar days after approval of such plan by the** local or regional board of education, **the board shall make such plan available on the board's and each individual school in the school district's Internet web site** **and** ensure that ~~the policy~~ **such plan** is included in the school district's publication of the rules, procedures and standards of conduct for schools and in all student handbooks.

(d) On and after July 1, 2012, and biennially thereafter, each local and regional board of education shall require each school in the district to complete an assessment using the school climate assessment instruments, including surveys, approved and disseminated by the Department of Education pursuant to section 10-222h, as amended by this act. Each local and regional board of education shall collect the school climate assessments for each school in the district and submit such school climate assessments to the department.

Sec. 2. Section 10-222g of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2011):

For the purposes of section 10-222d, **as amended by this act**, the term "prevention and intervention strategy" may include, but is not limited to, (1) implementation of a positive behavioral interventions and supports process or another evidence-based model approach for safe school climate or for the prevention of bullying identified by the Department of Education, (2) a school survey to determine the prevalence of bullying, (3) establishment of a bullying prevention coordinating committee with broad representation to review the survey results and implement the strategy, (4) school rules prohibiting bullying, harassment and intimidation and establishing appropriate consequences for those who

engage in such acts, ~~(5)~~ **(3)** adequate adult supervision of outdoor areas, hallways, the lunchroom and other specific areas where bullying is likely to occur, ~~(6)~~ **(4)** inclusion of grade-appropriate bullying **education and** prevention curricula in kindergarten through high school, ~~(7)~~ **(5)** individual interventions with the bully, parents and school staff **employees**, and interventions with the bullied child, parents and school staff **employees**, ~~(8)~~ **(6)** school-wide training related to safe school climate, **(7) student peer training, education and support**, and ~~(9)~~ **(8)** promotion of parent involvement in bullying prevention through individual or team participation in meetings, trainings and individual interventions.

Sec. 3. Section 10-222h of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2011):

(a) The Department of Education shall, within available appropriations, ~~(1) review and analyze the policies submitted to the department pursuant to section 10-222d, (2) examine the relationship between bullying, school climate and student outcomes,~~ **(3) document school districts' articulated needs for technical assistance and training related to safe learning and bullying, (4) (2) collect information on the prevention and intervention strategies used by schools to reduce the incidence of bullying, improve school climate and improve reporting outcomes, and (5) (3) develop or recommend a model policies safe school climate plan** for grades kindergarten to twelve, inclusive, ~~for the prevention of bullying and (4) in collaboration with the Connecticut Association of Schools, disseminate to all public schools grade-level appropriate school climate assessment instruments approved by the department, including surveys, to be used by local and regional boards of education for the purposes of collecting information described in subdivision (2) of this subsection so that the department can monitor bullying prevention efforts over time and compare each district's progress to state trends.~~ On or before February 1, 2010, **and biennially thereafter,** the department shall, in accordance with the provisions of section 11-4a, submit a report on the status of its efforts pursuant to this section **including, but not limited to, the number of verified acts of bullying in the state, an analysis of the responsive action taken by school districts** and any recommendations it may have regarding additional activities or funding to prevent bullying in schools and improve school climate to the joint standing committee of the General Assembly having cognizance of matters relating to education and to the select committee of the General Assembly having cognizance of matters relating to children.

(b) The department may accept private donations for the purposes of this section.

Sec. 4. (NEW) (Effective July 1, 2011) (a) The Department of Education, in consultation with the State Education Resource Center, the Governor's Prevention Partnership and the Commission on Children, shall establish, within available appropriations, a state-wide safe school climate resource network for the identification, prevention and education of school bullying in the state. Such state-wide safe school climate resource network shall make available to all schools information, training opportunities and resource materials to improve the school climate to diminish bullying.

(b) The department may seek federal, state and municipal funding and may accept private donations for the administration of the state-wide safe school climate resource network.

Sec. 5. Subsection (a) of section 10-220a of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2011):

(a) Each local or regional board of education shall provide an in-service training program for its teachers, administrators and pupil personnel who hold the initial educator, provisional educator or professional educator certificate. Such program shall provide such teachers, administrators and pupil personnel with information on (1) the nature and the relationship of drugs, as defined in subdivision (17) of section 21a-240, and alcohol to health and personality development, and procedures for discouraging their abuse, (2) health and mental health risk reduction education which includes, but need not be limited to, the prevention of risk-taking behavior by children and the relationship of such behavior to substance abuse, pregnancy, sexually transmitted diseases, including HIV-infection and AIDS, as defined in section 19a-581, violence, teen dating violence, domestic violence, child abuse and youth suicide, (3) the growth and development of exceptional children, including handicapped and gifted and talented children and children who may require special education, including, but not limited to, children with attention-deficit hyperactivity disorder or learning disabilities, and methods for identifying, planning for and working effectively with special needs children in a regular classroom, (4) school violence prevention, conflict resolution, **the prevention of and response to youth suicide** and **the identification and prevention of and response to** bullying, as defined in subsection (a) of section 10-222d, **as amended by this act**, except that those boards of education that implement an **any** evidence-based model approach, **that is approved by the Department of Education and is** consistent with subsection (d) of section 10-145a, **as amended by this act**, subsection (a) of section 10-220a, **as amended by this act**, sections 10-222d, **as amended by this act**, 10-222g, **as amended by this act**, and 10-222h, **as amended by this act**, subsection (g) of section 10-233c and sections 1 and 3 of public act 08-160, shall not be required to provide in-service training on **the identification and prevention of and response to** bullying, (5) cardiopulmonary resuscitation and other emergency life saving procedures, (6) computer and other information technology as applied to student learning and classroom instruction, communications and data management, (7) the teaching of the language arts, reading and reading readiness for teachers in grades kindergarten to three, inclusive, and (8) second language acquisition in districts required to provide a program of bilingual education pursuant to section 10-17f. Each local and regional board of education may allow any paraprofessional or noncertified employee to participate, on a voluntary basis, in any in-service training program provided pursuant to this section. The State Board of Education, within available appropriations and utilizing available materials, shall assist and encourage local and regional boards of education to include: (A) Holocaust education and awareness; (B) the historical events surrounding the Great Famine in Ireland; (C) African-American history; (D) Puerto Rican history; (E) Native American history; (F) personal financial management; (G) domestic violence and teen dating violence; and (H) topics approved by the state board upon the request of local or regional boards of education as part of in-service training programs pursuant to this subsection.

Sec. 6. (NEW) (Effective July 1, 2011) The Department of Education shall provide, within available appropriations, annual training to school employees, as defined in section 10-222d of the general statutes, as amended by this act, except those school employees who hold the initial educator, provisional educator or professional educator certificate, on the prevention, identification and response to school bullying, as defined in section 10-222d of the general statutes, as amended by this act, and the prevention of and response to youth suicide. Such training may include, but not be limited to, (1) developmentally appropriate strategies to prevent bullying among students in school and outside of the school setting, (2) developmentally appropriate strategies for immediate and effective interventions to stop bullying, (3)

information regarding the interaction and relationship between students committing acts of bullying, students against whom such acts of bullying are directed and witnesses of such acts of bullying, (4) research findings on bullying, such as information about the types of students who have been shown to be at-risk for bullying in the school setting, (5) information on the incidence and nature of cyberbullying, as defined in section 10-222d of the general statutes, as amended by this act, (6) Internet safety issues as they relate to cyberbullying, or (7) information on the incidence of youth suicide, methods of identifying youths at risk of suicide and developmentally appropriate strategies for effective interventions to prevent youth suicide. Such training may be presented in person by mentors, offered in state-wide workshops or through on-line courses.

Sec. 7. Subdivision (1) of subsection (e) of section 10-145o of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2011):

(e) (1) Beginning teachers shall satisfactorily complete instructional modules in the following areas: (A) Classroom management and climate, **which shall include training regarding the prevention, identification and response to school bullying, as defined in section 10-222d, as amended by this act, and the prevention of and response to youth suicide**; (B) lesson planning and unit design; (C) delivering instruction; (D) assessing student learning; and (E) professional practice. Beginning teachers shall complete two modules in their first year in the program and three modules in their second year in the program, except as otherwise provided by the Commissioner of Education, or as provided for in subsection (h) of this section.

Sec. 8. Subsection (d) of section 10-145a of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2011):

(d) Any candidate in a program of teacher preparation leading to professional certification shall ~~be encouraged to~~ complete a school violence, bullying, **as defined in section 10-222d, as amended by this act**, and suicide prevention and conflict resolution component of such a program.

Sec. 9. (NEW) (Effective July 1, 2011) (a) For the school year commencing July 1, 2012, and each school year thereafter, the superintendent of each local or regional board of education shall appoint, from among existing school district staff, a district safe school climate coordinator. The district safe school climate coordinator shall: (1) Be responsible

for implementing the district's safe school climate plan, developed pursuant to section 10-222d of the general statutes, as amended by this act, (2) collaborate with the safe school climate specialists, described in subsection (b) of this section, the board of education for the district and the superintendent of schools of the school district to prevent, identify and respond to bullying in the schools of the district, (3) provide data and information, in collaboration with the superintendent of schools of the district, to the Department of Education regarding bullying, in accordance with the provisions of subsection (b) of section 10-222d of the general statutes, as amended by this act, and subsection (a) of section 10-222h of the general statutes, as amended by this act, and (4) meet with the safe school climate specialists at least twice during the school year to discuss issues relating to bullying in the school district and to make recommendations concerning amendments to the district's safe school climate plan.

(b) For the school year commencing July 1, 2012, and each school year thereafter, the principal of each school, or the principal's designee, shall serve as the safe school climate specialist and shall (1) investigate or supervise the investigation of reported acts of bullying in the school in accordance with the district's safe school climate plan, (2) collect and maintain records of reports and investigations of bullying in the school, and (3) act as the primary school official responsible for preventing, identifying and responding to reports of bullying in the school.

(c) (1) For the school year commencing July 1, 2012, and each school year thereafter, the principal of each school shall establish a committee or designate at least one existing committee in the school to be responsible for developing and fostering a safe school climate and addressing issues relating to bullying in the school. Such committee shall include at least one parent or guardian of a student enrolled in the school appointed by the school principal.

(2) Any such committee shall: (A) receive copies of completed reports following investigations of bullying, (B) identify and address patterns of bullying among students in the school, (C) review and amend school policies relating to bullying, (D) review and make recommendations to the district safe school climate coordinator regarding the district's safe school climate plan based on issues and experiences specific to the school, (E) educate students, school employees and parents and guardians of students on issues relating to bullying, (F) collaborate with the district safe school climate coordinator in the collection of data regarding bullying, in accordance with the provisions of subsection (b) of section 10-222d of the general statutes, as amended by this act, and subsection (a) of section 10-222h of the general statutes, as amended by this act, and (G) perform any other duties as determined by the school principal that are related to the prevention, identification and response to school bullying for the school.

(3) Any parent or guardian serving as a member of any such committee shall not participate in the activities described in subparagraphs (A) and (B) of subdivision (2) of this subsection or any other activity that may compromise the confidentiality of a student.

Sec. 10. (NEW) (Effective July 1, 2011) (a) No claim for damages shall be made against a school employee, as defined in section 10-222d of the general statutes, as amended by

this act, who reports, investigates and responds to bullying, as defined in said section 10-222d, in accordance with the provisions of the safe school climate plan, described in said section 10-222d, if such school employee was acting in good faith in the discharge of his or her duties or within the scope of his or her employment. The immunity provided in this subsection does not apply to acts or omissions constituting gross, reckless, wilful or wanton misconduct.

(b) No claim for damages shall be made against a student, parent or guardian of a student or any other individual who reports an act of bullying to a school employee, in accordance with the provisions of the safe school climate plan described in said section 10-222d, if such individual was acting in good faith. The immunity provided in this subsection does not apply to acts or omissions constituting gross, reckless, wilful or wanton misconduct.

(c) No claim for damages shall be made against a local or regional board of education that implements the safe school climate plan, described in section 10-222d of the general statutes, as amended by this act, and reports, investigates and responds to bullying, as defined in said section 10-222d, if such local or regional board of education was acting in good faith in the discharge of its duties. The immunity provided in this subsection does not apply to acts or omissions constituting gross, reckless, wilful or wanton misconduct.

DELAWARE

DEL. CODE ANN. tit. 14, § 4112D (2011). SCHOOL BULLYING PREVENTION

(a) Definition of bullying.--As used in this section, “bullying” means any intentional written, electronic, verbal or physical act or actions against another student, school volunteer or school employee that a reasonable person under the circumstances should know will have the effect of:

- (1) Placing a student, school volunteer or school employee in reasonable fear of substantial harm to his or her emotional or physical well-being or substantial damage to his or her property.
- (2) Creating a hostile, threatening, humiliating or abusive educational environment due to the pervasiveness or persistence of actions or due to a power differential between the bully and the target; or
- (3) Interfering with a student having a safe school environment that is necessary to facilitate educational performance, opportunities or benefits; or
- (4) Perpetuating bullying by inciting, soliciting or coercing an individual or group to demean, dehumanize, embarrass or cause emotional, psychological or physical harm to another student, school volunteer or school employee.

(b) Prohibition of bullying.--

(1) Each school district and charter school shall prohibit bullying and reprisal, retaliation or false accusation against a target, witness or one with reliable information about an act of bullying.

(2) Each school district and charter school shall establish a policy which, at a minimum, includes the following components:

a. A statement prohibiting bullying of any person on school property or at school functions or by use of data or computer software that is accessed through a computer, computer system, computer network or other electronic technology of a school district or charter school from kindergarten through grade 12. For purposes of this section, "school property" and "school functions" have the same definition as in § 4112 of this title.

b. A definition of bullying no less inclusive than that in subsection (a) of this section.

c. Direction to develop a school-wide bullying prevention program.

d. A requirement that each school establish a site-based committee that is responsible for coordinating the school's bully prevention program including the design, approval and monitoring of the program. A majority of the members of the site-based committee shall be members of the school professional staff, of which a majority shall be instructional staff. The committee also shall contain representatives of the administrative staff, support staff, student body (for school enrolling students in grades 7 through 12), parents and staff from the before- or after-school program or programs. These representatives shall be chosen by members of each respective group except that representatives of the nonemployee groups shall be appointed by the school principal. The committee shall operate on a 1-person, 1-vote principle. In the event a site-based school discipline committee has been established pursuant to § 1605(7)a. and b. of this title, that committee shall vote whether or not to accept the aforementioned responsibilities.

e. A requirement that any school employee that has reliable information that would lead a reasonable person to suspect that a person is a target of bullying shall immediately report it to the administration.

f. A requirement that each school have a procedure for the administration to promptly investigate in a timely manner and determine whether bullying has occurred.

g. A requirement that, to the extent that funding is available, each school develop a plan for a system of supervision in nonclassroom areas. The plan shall provide for the review and exchange of information regarding nonclassroom areas.

h. An identification of an appropriate range of consequences for bullying.

i. A procedure for a student and parent, guardian or relative caregiver pursuant to § 202(f) of this title or legal guardian to provide information on bullying activity. However, this paragraph does not permit formal disciplinary action solely based on an anonymous report.

j. A requirement that a parent, guardian or relative caregiver pursuant to § 202(f) of this title or legal guardian of any target of bullying or person who bullies another as defined herein, be notified.

k. A requirement that all bullying incidents be reported to the Department of Education within 5 working days pursuant to Department of Education regulations.

l. A statement prohibiting retaliation following a report of bullying.

m. A procedure for communication between school staff members and medical professionals who are involved in treating students for bullying issues.

n. A requirement that the school bullying prevention program be implemented throughout the year, and integrated with the school's discipline policies and § 4112 of this title.

(c) Dissemination of policy and accountability. --

(1) Each school district and charter school shall adopt the policy consistent with subsection (b) of this section and submit a copy to the Delaware Department of Education by January 1, 2008.

(2) The policy shall appear in the student and staff handbook and if no handbook is available, or it is not practical to reprint new handbooks, a copy of the policy will be distributed annually to all students, parents, faculty and staff.

(3) The policy shall be submitted to the Delaware Department of Education by January 1 of each subsequent year. The Department shall review such policy annually for compliance with state and federal law and regulations promulgated by the Department of Education.

(4) The Delaware Department of Education shall prepare an annual report, which shall include a summary of reported and substantiated incidences of bullying.

(d) Duties of the Department of Education.--

(1) The Delaware Department of Education shall collaborate with the Delaware Department of Justice to develop a model policy, that may change from time to time, that is applicable to kindergarten through grade 12, and post this policy on their websites in order to assist the school districts and charter schools.

(2) Distribution of the Comprehensive School Discipline Improvement Program funds to a school district and charter school provided in the General Appropriations Act starting in fiscal year 2009 and thereafter is contingent upon Department of Education approval of the school district's or charter school's bullying prevention policy.

(3) To the extent that funding is available the State Department of Education will provide for an award system for schools with exemplary programs based on criteria promulgated by the Delaware Department of Education.

(e) Immunity.--A school employee, school volunteer or student is individually immune from a cause of action for damages arising from reporting bullying in good faith and to the appropriate person or persons using the procedures specified in the school district and charter school's bullying prevention policy, but there shall be no such immunity if the act of reporting constituted gross negligence and/or reckless, wilful or intentional conduct.

(f) Other defenses.--

(1) The physical location or time of access of a technology-related incident is not a valid defense in any disciplinary action by the school district or charter school initiated under this section provided there is sufficient school nexus.

(2) This section does not apply to any person who uses data or computer software that is accessed through a computer, computer system, computer network or other electronic technology when acting within the scope of that person's lawful employment or investigation of a violation of this section in accordance with school district or charter school policy.

(g) Relationship to school crime reporting law.--An incident may meet the definition of bullying and also the definition of a particular crime under state or federal law. Nothing in this section or in the policies promulgated as a result thereof shall prevent school officials from fulfilling all of the reporting requirements of § 4112 of this title, or from reporting probable crimes that occur on school property or at a school function which are not required to be reported under that section. Nothing in this section shall abrogate the reporting requirements for child abuse or sexual abuse set forth in Chapter 9 of Title 16, or any other reporting requirement under state or federal law.

(h) Rules and regulations.--Notwithstanding any provision to the contrary, the Delaware Department of Education may promulgate rules and regulations necessary to implement this section.

DISTRICT OF COLUMBIA

FLORIDA

FLA. STAT. § 1006.147 (2011). BULLYING AND HARASSMENT PROHIBITED

(1) This section may be cited as the “Jeffrey Johnston Stand Up for All Students Act.”

(2) Bullying or harassment of any student or employee of a public K-12 educational institution is prohibited:

(a) During any education program or activity conducted by a public K-12 educational institution;

(b) During any school-related or school-sponsored program or activity or on a school bus of a public K-12 educational institution; or

(c) Through the use of data or computer software that is accessed through a computer, computer system, or computer network of a public K-12 educational institution.

(3) For purposes of this section:

(a) “Bullying” means systematically and chronically inflicting physical hurt or psychological distress on one or more students and may involve:

1. Teasing;
2. Social exclusion;
3. Threat;
4. Intimidation;
5. Stalking;
6. Physical violence;
7. Theft;
8. Sexual, religious, or racial harassment;
9. Public humiliation; or
10. Destruction of property.

(b) “Harassment” means any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal, or physical conduct directed against a student or school employee that:

1. Places a student or school employee in reasonable fear of harm to his or her person or damage to his or her property;
2. Has the effect of substantially interfering with a student's educational performance, opportunities, or benefits; or
3. Has the effect of substantially disrupting the orderly operation of a school.

(c) Definitions in s. 815.03 and the definition in s. 784.048(1)(d) relating to stalking are applicable to this section.

(d) The definitions of “bullying” and “harassment” include:

1. Retaliation against a student or school employee by another student or school employee for asserting or alleging an act of bullying or harassment. Reporting an act of bullying or harassment that is not made in good faith is considered retaliation.

2. Perpetuation of conduct listed in paragraph (a) or paragraph (b) by an individual or group with intent to demean, dehumanize, embarrass, or cause physical harm to a student or school employee by:

a. Incitement or coercion;

b. Accessing or knowingly causing or providing access to data or computer software through a computer, computer system, or computer network within the scope of the district school system; or

c. Acting in a manner that has an effect substantially similar to the effect of bullying or harassment.

(4) By December 1, 2008, each school district shall adopt a policy prohibiting bullying and harassment of any student or employee of a public K-12 educational institution. Each school district's policy shall be in substantial conformity with the Department of Education's model policy mandated in subsection (5). The school district bullying and harassment policy shall afford all students the same protection regardless of their status under the law. The school district may establish separate discrimination policies that include categories of students. The school district shall involve students, parents, teachers, administrators, school staff, school volunteers, community representatives, and local law enforcement agencies in the process of adopting the policy. The school district policy must be implemented in a manner that is ongoing throughout the school year and integrated with a school's curriculum, a school's discipline policies, and other violence prevention efforts. The school district policy must contain, at a minimum, the following components:

(a) A statement prohibiting bullying and harassment.

(b) A definition of bullying and a definition of harassment that include the definitions listed in this section.

(c) A description of the type of behavior expected from each student and employee of a public K-12 educational institution.

(d) The consequences for a student or employee of a public K-12 educational institution who commits an act of bullying or harassment.

(e) The consequences for a student or employee of a public K-12 educational institution who is found to have wrongfully and intentionally accused another of an act of bullying or harassment.

(f) A procedure for reporting an act of bullying or harassment, including provisions that permit a person to anonymously report such an act. However, this paragraph does not permit formal disciplinary action to be based solely on an anonymous report.

(g) A procedure for the prompt investigation of a report of bullying or harassment and the persons responsible for the investigation. The investigation of a reported act of bullying or harassment is deemed to be a school-related activity and begins with a report of such an act. Incidents that require a reasonable investigation when reported to appropriate school authorities shall include alleged incidents of bullying or harassment allegedly committed against a child while the child is en route to school aboard a school bus or at a school bus stop.

(h) A process to investigate whether a reported act of bullying or harassment is within the scope of the district school system and, if not, a process for referral of such an act to the appropriate jurisdiction.

(i) A procedure for providing immediate notification to the parents of a victim of bullying or harassment and the parents of the perpetrator of an act of bullying or harassment, as well as notification to all local agencies where criminal charges may be pursued against the perpetrator.

(j) A procedure to refer victims and perpetrators of bullying or harassment for counseling.

(k) A procedure for including incidents of bullying or harassment in the school's report of data concerning school safety and discipline required under s. 1006.09(6). The report must include each incident of bullying or harassment and the resulting consequences, including discipline and referrals. The report must include in a separate section each reported incident of bullying or harassment that does not meet the criteria of a prohibited act under this section with recommendations regarding such incidents. The Department of Education shall aggregate information contained in the reports.

(l) A procedure for providing instruction to students, parents, teachers, school administrators, counseling staff, and school volunteers on identifying, preventing, and responding to bullying or harassment.

(m) A procedure for regularly reporting to a victim's parents the actions taken to protect the victim.

(n) A procedure for publicizing the policy, which must include its publication in the code of student conduct required under s. 1006.07(2) and in all employee handbooks.

(5) To assist school districts in developing policies prohibiting bullying and harassment, the Department of Education shall develop a model policy that shall be provided to school districts no later than October 1, 2008.

(6) A school employee, school volunteer, student, or parent who promptly reports in good faith an act of bullying or harassment to the appropriate school official designated in the school district's policy and who makes this report in compliance with the procedures set forth in the policy is immune from a cause of action for damages arising out of the reporting itself or any failure to remedy the reported incident.

(7)(a) The physical location or time of access of a computer-related incident cannot be raised as a defense in any disciplinary action initiated under this section.

(b) This section does not apply to any person who uses data or computer software that is accessed through a computer, computer system, or computer network when acting within the scope of his or her lawful employment or investigating a violation of this section in accordance with school district policy.

(8) Distribution of safe schools funds to a school district provided in the 2009-2010 General Appropriations Act is contingent upon and payable to the school district upon the Department of Education's approval of the school district's bullying and harassment policy. The department's approval of each school district's bullying and harassment policy shall be granted upon certification by the department that the school district's policy has been submitted to the department and is in substantial conformity with the department's model bullying and harassment policy as mandated in subsection (5). Distribution of safe schools funds provided to a school district in fiscal year 2010-2011 and thereafter shall be contingent upon and payable to the school district upon the school district's compliance with all reporting procedures contained in this section.

(9) On or before January 1 of each year, the Commissioner of Education shall report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the implementation of this section. The report shall include data collected pursuant to paragraph (4)(k).

(10) Nothing in this section shall be construed to abridge the rights of students or school employees that are protected by the First Amendment to the Constitution of the United States.

GEORGIA

GA. CODE ANN. § 20-2-145 (2010). COMPREHENSIVE CHARACTER EDUCATION PROGRAM

(a) The State Board of Education shall develop by the start of the 1997-1998 school year a comprehensive character education program for levels K-12. This comprehensive character education program shall be known as the “character curriculum” and shall focus on the students' development of the following character traits: courage, patriotism, citizenship, honesty, fairness, respect for others, kindness, cooperation, self-respect, self-control, courtesy, compassion, tolerance, diligence, generosity, punctuality, cleanliness, cheerfulness, school pride, respect for the environment, respect for the creator, patience, creativity, sportsmanship, loyalty, perseverance, and virtue. Such program shall also address, by the start of the 1999-2000 school year, methods of discouraging bullying and violent acts against fellow students. Local boards shall implement such a program in all grade levels at the beginning of the 2000-2001 school year and shall provide opportunities for parental involvement in establishing expected outcomes of the character education program.

(b) The Department of Education shall develop character education program workshops designed for employees of local school systems.

GA. CODE ANN. § 20-2-751.4 (2010). POLICIES TO PROHIBIT BULLYING OF STUDENT BY ANOTHER STUDENT

(a) As used in this Code section, the term “bullying” means an act which occurs on school property, on school vehicles, at designated school bus stops, or at school related functions or activities, or by use of data or software that is accessed through a computer, computer system, computer network, or other electronic technology of a local school system, that is:

(1) Any willful attempt or threat to inflict injury on another person, when accompanied by an apparent present ability to do so;

(2) Any intentional display of force such as would give the victim reason to fear or expect immediate bodily harm; or

(3) Any intentional written, verbal, or physical act which a reasonable person would perceive as being intended to threaten, harass, or intimidate, that:

(A) Causes another person substantial physical harm within the meaning of Code Section 16-5-23.1 or visible bodily harm as such term is defined in Code Section 16-5-23.1;

(B) Has the effect of substantially interfering with a student's education;

(C) Is so severe, persistent, or pervasive that it creates an intimidating or threatening educational environment; or

(D) Has the effect of substantially disrupting the orderly operation of the school.

(b) No later than August 1, 2011:

(1) Each local board of education shall adopt a policy that prohibits bullying of a student by another student and shall require such prohibition to be included in the student code of conduct for schools in that school system;

(2) Each local board policy shall require that, upon a finding by the disciplinary hearing officer, panel, or tribunal of school officials provided for in this subpart that a student in grades six through 12 has committed the offense of bullying for the third time in a school year, such student shall be assigned to an alternative school;

(3) Each local board of education shall establish and publish in its local board policy a method to notify the parent, guardian, or other person who has control or charge of a student upon a finding by a school administrator that such student has committed an offense of bullying or is a victim of bullying; and

(4) Each local board of education shall ensure that students and parents of students are notified of the prohibition against bullying, and the penalties for violating the prohibition, by posting such information at each school and by including such information in student and parent handbooks.

(c) No later than January 1, 2011, the Department of Education shall develop a model policy regarding bullying, that may be revised from time to time, and shall post such policy on its website in order to assist local school systems. Such model policy shall include:

(1) A statement prohibiting bullying;

(2) A requirement that any teacher or other school employee who has reliable information that would lead a reasonable person to suspect that someone is a target of bullying shall immediately report it to the school principal;

(3) A requirement that each school have a procedure for the school administration to promptly investigate in a timely manner and determine whether bullying has occurred;

(4) An age-appropriate range of consequences for bullying which shall include, at minimum and without limitation, disciplinary action or counseling as appropriate under the circumstances;

(5) A procedure for a teacher or other school employee, student, parent, guardian, or other person who has control or charge of a student, either anonymously or in such

person's name, at such person's option, to report or otherwise provide information on bullying activity;

(6) A statement prohibiting retaliation following a report of bullying; and

(7) Provisions consistent with the requirements of subsection (b) of this Code section.

(d) The Department of Education shall develop and post on its website a list of entities and their contact information which produce antibullying training programs and materials deemed appropriate by the department for use in local school systems.

(e) Any person who reports an incident of bullying in good faith shall be immune from civil liability for any damages caused by such reporting.

(f) Nothing in this Code section or in the model policy promulgated by the Department of Education shall be construed to require a local board of education to provide transportation to a student transferred to another school as a result of a bullying incident.

(g) Any school system which is not in compliance with the requirements of subsection (b) of this Code section shall be ineligible to receive state funding pursuant to Code Sections 20-2-161 and 20-2-260.

THE FOLLOWING BILL HAS NOT BEEN ENACTED AND IS CURRENTLY NOT THE LAW OF GEORGIA. H.R. 310, 151ST GEN. ASSEM., REG. SESS. (GA. 2011). THE END TO CYBERBULLYING ACT; ENACT

Bill Status: Second Reading on 02/23/2011

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1. This Act shall be known and may be cited as “The End to Cyberbullying Act.”

SECTION 2. Code Section 20-2-751.4 of the Official Code of Georgia Annotated, relating to policies in public schools prohibiting bullying, is amended by revising subsection (a) as follows:

”

(a) As used in this Code section, the term ‘bullying’ means an act ~~which occurs on school property, on school vehicles, at designated school bus stops, or at school-related functions or activities, or by use of data or software that is accessed through a computer, computer system, computer network, or other electronic technology of a local school system;~~ that is:

(1) Any willful attempt or threat to inflict injury on another person, when accompanied by an apparent present ability to do so;

(2) Any intentional display of force such as would give the victim reason to fear or expect immediate bodily harm; or (3) Any intentional written, verbal, or physical act, which a reasonable person would perceive as being intended to threaten, harass, or intimidate, that:

(A) Causes another person substantial physical harm within the meaning of Code Section 16-5-23.1 or visible bodily harm as such term is defined in Code Section 16-5-23.1;

(B) Has the effect of substantially interfering with a student's education;

(C) Is so severe, persistent, or pervasive that it creates an intimidating or threatening educational environment; or (D) Has the effect of substantially disrupting the orderly operation of the school. **The term applies to acts which occur on school property, on school vehicles, at designated school bus stops, or at school related functions or activities, or by use of data or software that is accessed through a computer, computer system, computer network, or other electronic technology of a local school system. The term also applies to acts of cyberbullying which occur through the use of electronic communication, including, but not limited to, telephones, cellular telephones, wireless communication devices, pagers, computers, electronic mail, instant messaging, text messaging, through websites, or any similar means of communication, whether or not such electronic communication originated on school property or with school equipment, if the electronic act is directed specifically at another student or at school personnel.”**

SECTION 3. This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval. This Act shall apply with respect to conduct on or after that date and conduct prior to that date shall continue to be governed by prior law. SECTION 4. All laws and parts of laws in conflict with this Act are repealed.

HAWAII

HAW. REV. STAT. § 302A-1002 (2011). REPORTING OF CRIME-RELATED INCIDENTS

The board shall adopt rules pursuant to chapter 91 to:

(1) Require a report to appropriate authorities from a teacher, official, or other employee of the department who knows or has reason to believe that an act has been committed or will be committed, which:

(A) Occurred or will occur on school property during school hours or during activities supervised by the school; and

(B) Involves crimes relating to arson, assault, burglary, disorderly conduct, dangerous weapons, dangerous drugs, harmful drugs, extortion, firearms, gambling, harassment,

intoxicating drugs, marijuana or marijuana concentrate, murder, attempted murder, sexual offenses, rendering a false alarm, criminal property damage, robbery, terroristic threatening, theft, or trespass;

(2) Establish procedures for disposing of any incident reported; and

(3) Impose, in addition to any other powers or authority the department may have to discipline school officials, appropriate disciplinary action for failure to report these incidents, including probation, suspension, demotion, and discharge of school officials.

THE FOLLOWING BILL HAS NOT BEEN ENACTED AND IS CURRENTLY NOT THE LAW OF HAWAII. S. 934, 26TH LEG., REG. SESS. (HAW. 2011).
RELATING TO BULLYING AND CYBERBULLYING

Bill Status: Passed Senate. House - Passed Second Reading as Amended; In Committee on Finance as of 03/24/2011

A BILL FOR AN ACT

RELATING TO BULLYING AND CYBERBULLYING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. This Act shall be known as the “Safe Schools Act.”

SECTION 2. The legislature finds that all students have the right to participate fully in the educational process, free from bullying, cyberbullying, and harassment. A safe and civil environment in school is necessary for students to learn and to meet high academic standards. Bullying and harassment, like other disruptive or violent behaviors, are forms of conduct that disrupt both a student's ability to learn and a school's ability to educate its students in a safe environment. The legislature finds that because students learn by example, school administrators, faculty, staff, and volunteers should be expected to demonstrate appropriate behavior, treat others with civility and respect, and refuse to tolerate bullying and harassment.

The purpose of this Act is to require the department of education and the charter school review panel to maintain, monitor, and enforce anti-bullying and anti-harassment policies and procedures to protect students.

SECTION 3. Chapter 302A, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§302A- Bullying, cyberbullying, and harassment; departmental responsibilities. (a) This section shall apply to conduct occurring on all public elementary and secondary school premises, at any school-sponsored functions or activities, and on school-sponsored transportation. This section shall also apply to electronic technology usage and electronic communications that occur on all public elementary and secondary school premises, at any school-sponsored functions or activities, on

school-sponsored transportation, and on school computers, networks, forums, and mailing lists.

(b) The department shall maintain and monitor anti-bullying and anti-harassment policies that:

(1) Are applicable to grades kindergarten through twelve; and

(2) Contain definitions of bullying, cyberbullying, and harassment, as defined in section 302A-101.

(c) The department shall maintain and enforce appropriate procedures that incorporate:

(1) Effectively publicizing the policies established pursuant to subsection (b), including adding a statement of those policies to new employee training materials, student handbooks, and any other publication that sets forth comprehensive rules, procedures, and standards of conduct for schools;

(2) Conducting annual training at the school level on how to promote peace and respect, and intervention strategies when students are engaged in bullying, cyberbullying, or harassing behavior;

(3) Establishing procedures for investigating violations of this section;

(4) Reporting and response mechanisms that address the failure of schools, complex areas, and administrators in implementing this section;

(5) Mechanisms for reporting incidents of bullying, cyberbullying, and harassment by complex areas and schools;

(6) Making available to the public statewide statistics concerning bullying, cyberbullying, and harassment, as defined in section 302A-101;

(7) The filing of complaints against complex areas and schools upon their failure to comply with or implement policies pursuant to this section;

(8) Establishing clear lines of accountability, including the designation of one person in the department as the primary contact regarding anti-bullying and anti-harassment policies who shall receive copies of all formal and informal complaints, be responsible for assuring the implementation of policies and procedures pursuant this section, and serve as the primary contact on the policies and procedures between the school district and the department;

(9) Requiring school employees and trained volunteers who witness incidents of bullying, cyberbullying, or harassment, or possess reliable information that would lead a reasonable person to suspect that a person is a target of bullying, cyberbullying, or harassment, to promptly report those incidents or that

information to the school principal, complex area superintendent, or superintendent;

(10) Prompt investigation of reports or complaints of bullying, cyberbullying, or harassment, and identification of either the principal or the principal's designee as the person responsible for the investigation;

(11) Delineating the range of ways in which a school will respond once an incident of bullying, cyberbullying, or harassment is identified, including a range of potential age-appropriate education-focused consequences that correspond to the prohibited bullying, cyberbullying, and harassment act;

(12) The provision of appropriate referrals or resources to student victims, perpetrators, and their respective families, if necessary;

(13) Provisions that prohibit reprisal or retaliation against any person who reports an act of bullying, cyberbullying, or harassment and describe appropriate remedial action for a person who engages in reprisal or retaliation;

(14) Provisions that allow for anonymous reporting, but no remedial action shall be undertaken solely on the basis of an anonymous report;

(15) The collection, reporting, and analyzing, at least on an annual basis, of data on incidents of bullying, cyberbullying, and harassment; and

(16) The establishment of a school community culture that integrates the aloha spirit, as defined in section

5-7.5, Hawaii Revised Statutes, evidence-based anti-bullying and anti-harassment policies and procedures, and peace promoting elements into each school's curriculum, and creates and encourages an environment of safety and respect for all.”

SECTION 4. Chapter 302B, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§302B- Bullying, cyberbullying, and harassment; panel responsibilities. (a) This section shall apply to conduct occurring on all charter school premises, at any charter school-sponsored functions or activities, and on charter school-sponsored transportation. This section shall also apply to electronic technology usage and electronic communications that occur on all charter school premises, at any charter school-sponsored functions or activities, on charter school-sponsored transportation, and on charter school computers, networks, forums, and mailing lists.

(b) The panel shall maintain and monitor anti-bullying and anti-harassment policies that:

- (1) Are applicable to grades kindergarten through twelve; and**
- (2) Contain definitions of bullying, cyberbullying, and harassment, as defined in section 302A-101.**
- (c) The panel shall maintain and enforce appropriate procedures that incorporate:**
 - (1) Effectively publicizing the policies established pursuant to subsection (b), including adding a statement of those policies to new employee training materials, student handbooks, and any other publication that sets forth comprehensive rules, procedures, and standards of conduct for charter schools;**
 - (2) Conducting annual training at the school level on how to promote peace and respect, and intervention strategies when students are engaged in bullying, cyberbullying, or harassing behavior;**
 - (3) Establishing procedures for investigating violations of this section;**
 - (4) Reporting and response mechanisms that address the failure of schools, complex areas, and administrators in implementing this section;**
 - (5) Mechanisms for reporting incidents of bullying, cyberbullying, and harassment by complex areas and schools;**
 - (6) Making available to the public statewide statistics concerning bullying, cyberbullying, and harassment, as defined in section 302A-101;**
 - (7) The filing of complaints against complex areas and schools upon their failure to comply with or implement policies pursuant to this section;**
 - (8) Establishing clear lines of accountability, including the designation of one person from the charter school administrative office as the primary contact regarding anti-bullying and anti-harassment policies who shall receive copies of all formal and informal complaints, be responsible for assuring the implementation of policies and procedures pursuant this section, and serve as the primary contact on the policies and procedures between the office and the department;**
 - (9) Requiring school employees and trained volunteers who witness incidents of bullying, cyberbullying, or harassment, or possess reliable information that would lead a reasonable person to suspect that a person is a target of bullying, cyberbullying, or harassment, to promptly report those incidents or that information to the school principal, complex area superintendent, or superintendent;**
 - (10) Prompt investigation of reports or complaints of bullying, cyberbullying, or harassment, and identification of either the principal or the principal's designee as the person responsible for the investigation;**

(11) Delineating the range of ways in which a school will respond once an incident of bullying, cyberbullying, or harassment is identified, including a range of potential age-appropriate education-focused consequences that correspond to the prohibited bullying, cyberbullying, and harassment act;

(12) The provision of appropriate referrals or resources to student victims, perpetrators, and their respective families, if necessary;

(13) Provisions that prohibit reprisal or retaliation against any person who reports an act of bullying, cyberbullying, or harassment and describe appropriate remedial action for a person who engages in reprisal or retaliation;

(14) Provisions that allow for anonymous reporting, but no remedial action shall be undertaken solely on the basis of an anonymous report;

(15) The collection, reporting, and analyzing, at least on an annual basis, of data on incidents of bullying, cyberbullying, and harassment; and

(16) The establishment of a school community culture that integrates the aloha spirit, as defined in section

5-7.5, Hawaii Revised Statutes, evidence-based anti-bullying and anti-harassment policies and procedures, and peace promoting elements into each school's curriculum, and creates and encourages an environment of safety and respect for all.”

(d) For the purposes of this section, “bullying,” “cyberbullying,” and “harassment” shall have the same meaning as in section 302A-101.”

SECTION 5. Section 302A-101, Hawaii Revised Statutes, is amended by adding three new definitions to be appropriately inserted and to read as follows:

““Bullying” means any written, verbal, graphic, or physical act or acts that:

(1) A student or group of students exhibits toward another student or group of students;

(2) Cause mental or physical harm to the other student or group of students; and

(3) Are sufficiently severe, persistent, or pervasive to create an intimidating, threatening, or abusive educational environment.

Bullying includes conduct that is based on a student's actual or perceived race, color, national origin, sex, gender identity or expression, sexual orientation, physical or mental disability, religion, physical appearance and characteristic, or socio-economic status; or a student's association with a person or group with one or more of these actual or perceived characteristics.

“Cyberbullying” means an act or acts exhibited by one student or group of students to another student or group of students that:

(1) Are conveyed by electronic transmission via the Internet, a cell phone, a personal digital assistant, or a wireless hand-held device;

(2) Cause mental or physical harm to the student or group of students that receives the electronic transmission; and

(3) Are sufficiently severe, persistent, or pervasive to create an intimidating, threatening, or abusive educational environment.

“Harassment” means harassing, bullying, including cyberbullying, annoying, or alarming a student or group of students by engaging in conduct that includes:

(1) Striking, shoving, kicking, or otherwise touching a student or group of students in an offensive manner or subjecting that student or group of students to offensive physical contact;

(2) Insulting, taunting, or challenging another student or group of students in a manner likely to provoke a violent response;

(3) Making verbal or non-verbal expression that causes another student or group of students to feel uncomfortable, pressured, threatened, or in danger because of reasons that include the student's or group's actual or perceived race, color, national origin, sex, gender identity or expression, sexual orientation, physical or mental disability, religion, physical appearance and characteristic, and socio-economic status, or association therewith, that creates an intimidating, hostile, or offensive educational environment, or interferes with the education of a student or group of students, or otherwise adversely affects the educational opportunity of a student or group of students;

(4) Name calling, making rude gestures, insulting, or teasing another student or group of students who, as a result, feels humiliated, intimidated, threatened, or embarrassed;

(5) Making a telephone call without the purpose of legitimate communication;

(6) Making repeated communications anonymously, at extremely inconvenient hours, or using offensively coarse language on campus or other department of education premises, on department of education-sponsored transportation, or during a department of education-sponsored activity or event on or off school property;

(7) Causing fear to prevent other students or groups of students from gaining legitimate access to or use of school buildings, facilities, services, or grounds such as restroom facilities; and

(8) Physically harming, physically restraining, threatening, stalking, or any combination thereof.”

SECTION 6. The department of education, in consultation with the charter school review panel on matters relating to charter schools, shall submit a report regarding the implementation of this Act, including findings, recommendations, and any proposed legislation, to the legislature no later than twenty days prior to the convening of the regular session of 2012.

SECTION 7. The provisions of this Act shall be liberally construed to give effect to the purposes thereof.

SECTION 8. Nothing in this Act is intended to interfere with the First Amendment rights of free speech and expression of any person affected.

SECTION 9. If any provision of this Act, or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Act, which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 10. New statutory material is underscored.

SECTION 11. This Act shall take effect on July 1, 2050, provided that Section 6 shall take effect upon its approval.

IDAHO

IDAHO CODE ANN. § 18-917A (2011). STUDENT HARASSMENT -- INTIMIDATION – BULLYING

(1) No student shall intentionally commit, or conspire to commit, an act of harassment, intimidation or bullying against another student.

(2) As used in this section, “harassment, intimidation or bullying” means any intentional gesture, or any intentional written, verbal or physical act or threat by a student that:

(a) A reasonable person under the circumstances should know will have the effect of:

(i) Harming a student; or

(ii) Damaging a student's property; or

(iii) Placing a student in reasonable fear of harm to his or her person; or

(iv) Placing a student in reasonable fear of damage to his or her property; or

(b) Is sufficiently severe, persistent or pervasive that it creates an intimidating, threatening or abusive educational environment for a student.

An act of harassment, intimidation or bullying may also be committed through the use of a land line, car phone or wireless telephone or through the use of data or computer software that is accessed through a computer, computer system, or computer network.

(3) A student who personally violates any provision of this section may be guilty of an infraction.

IDAHO CODE ANN. § 33-205 (2011). DENIAL OF SCHOOL ATTENDANCE

The board of trustees may deny enrollment, or may deny attendance at any of its schools by expulsion, to any pupil who is an habitual truant, or who is incorrigible, or whose conduct, in the judgment of the board, is such as to be continuously disruptive of school discipline, or of the instructional effectiveness of the school, or whose presence in a public school is detrimental to the health and safety of other pupils, or who has been expelled from another school district in this state or any other state. Any pupil having been denied enrollment or expelled may be enrolled or readmitted to the school by the board of trustees upon such reasonable conditions as may be prescribed by the board; but such enrollment or readmission shall not prevent the board from again expelling such pupil for cause.

Provided however, the board shall expel from school for a period of not less than one (1) year, twelve (12) calendar months, or may deny enrollment to, a student who has been found to have carried a weapon or firearm on school property in this state or any other state, except that the board may modify the expulsion or denial of enrollment order on a case-by-case basis. Discipline of students with disabilities shall be in accordance with the requirements of federal law part B of the individuals with disabilities education act and section 504 of the rehabilitation act [FN1]. An authorized representative of the board shall report such student and incident to the appropriate law enforcement agency.

No pupil shall be expelled nor denied enrollment without the board of trustees having first given written notice to the parent or guardian of the pupil, which notice shall state the grounds for the proposed expulsion or denial of enrollment and the time and place where such parent or guardian may appear to contest the action of the board to deny school attendance, and which notice shall also state the rights of the pupil to be represented by counsel, to produce witnesses and submit evidence on his own behalf, and to cross-examine any adult witnesses who may appear against him. Within a reasonable period of time following such notification, the board of trustees shall grant the pupil and his parents or guardian a full and fair hearing on the proposed expulsion or denial of enrollment. However, the board shall allow a reasonable period of time between such notification and the holding of such hearing to allow the pupil and his parents or guardian to prepare their response to the charge. Any pupil who is within the age of compulsory attendance, who is expelled or denied enrollment as herein provided, shall come under the purview of the juvenile corrections act, and an authorized representative of the board

shall, within five (5) days, give written notice of the pupil's expulsion to the prosecuting attorney of the county of the pupil's residence.

The superintendent of any district or the principal of any school may temporarily suspend any pupil for disciplinary reasons, including student harassment, intimidation or bullying, or for other conduct disruptive of good order or of the instructional effectiveness of the school. A temporary suspension by the principal shall not exceed five (5) school days in length; and the school superintendent may extend the temporary suspension an additional ten (10) school days. Provided, that on a finding by the board of trustees that immediate return to school attendance by the temporarily suspended student would be detrimental to other pupils' health, welfare or safety, the board of trustees may extend the temporary suspension for an additional five (5) school days. Prior to suspending any student, the superintendent or principal shall grant an informal hearing on the reasons for the suspension and the opportunity to challenge those reasons. Any pupil who has been suspended may be readmitted to the school by the superintendent or principal who suspended him upon such reasonable conditions as said superintendent or principal may prescribe. The board of trustees shall be notified of any temporary suspensions, the reasons therefor, and the response, if any, thereto.

The board of trustees of each school district shall establish the procedure to be followed by the superintendent and principals under its jurisdiction for the purpose of effecting a temporary suspension, which procedure must conform to the minimal requirements of due process.

**THE FOLLOWING BILL HAS NOT BEEN ENACTED AND IS CURRENTLY NOT
THE LAW OF IDAHO. S. 1105, 61ST LEG., 1ST REG. SESS. (IDAHO 2011).**
STUDENT HARASSMENT/INTIMID/BULLYING

Bill Status: Passed Senate – Awaiting Third Reading in House as of 03/24/2011

AN ACT

RELATING TO HARASSMENT, INTIMIDATION OR BULLYING OF A STUDENT;
AMENDING SECTION 18-917A, IDAHO CODE, TO PROVIDE APPLICATION OF
THE SECTION TO AN ADDITIONAL INDIVIDUAL, TO REVISE WHAT ACTION
SHALL BE A MISDEMEANOR AND TO REPLACE DISCRETIONARY
LANGUAGE WITH MANDATORY LANGUAGE; AND AMENDING CHAPTER 16,
TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1626,
IDAHO CODE, TO PROVIDE REQUIREMENTS FOR HARASSMENT,
INTIMIDATION AND BULLYING INFORMATION AND PROFESSIONAL
DEVELOPMENT, TO PROVIDE WHAT SHALL BE INCLUDED IN DISTRICT
POLICIES AND TO PROVIDE FOR CERTAIN ANNUAL REPORTS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 18-917A, Idaho Code, be, and the same is hereby amended to read as follows:

18-917A. STUDENT HARASSMENT -- INTIMIDATION -- BULLYING. (1) No student **or minor present on school property or at school activities** shall intentionally commit, or conspire to commit, an act of harassment, intimidation or bullying against another student.

(2) As used in this section, "harassment, intimidation or bullying" means any intentional gesture, or any intentional written, verbal or physical act or threat by a student that:

(a) A reasonable person under the circumstances should know will have the effect of:

(i) Harming a student; or (ii) Damaging a student's property; or (iii) Placing a student in reasonable fear of harm to his or her person; or (iv) Placing a student in reasonable fear of damage to his or her property; or (b) Is sufficiently severe, persistent or pervasive that it creates an intimidating, threatening or abusive educational environment for a student.

An act of harassment, intimidation or bullying may also be committed through the use of a land line, car phone or wireless telephone or through the use of data or computer software that is accessed through a computer, computer system, or computer network.

(3) A ~~student who personally violates~~ **violation of** any provision of this section ~~may~~ **shall** be guilty of an infraction.

SECTION 2. That Chapter 16, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a **NEW SECTION**, to be known and designated as Section 33-1626, Idaho Code, and to read as follows: 33-1626. REQUIREMENTS FOR HARASSMENT, INTIMIDATION AND BULLYING INFORMATION AND PROFESSIONAL DEVELOPMENT. (1) School districts and charter schools shall undertake all reasonable efforts to ensure that information on harassment, intimidation and bullying of students is disseminated annually to all school personnel, parents and students, including an affirmation that school personnel are authorized and expected to intervene or facilitate intervention on behalf of students facing harassment, intimidation or bullying.

(2) School districts and charter schools shall provide ongoing professional development to build skills of all school staff members to prevent, identify and respond to harassment, intimidation and bullying. The state board shall promulgate rules regarding the content of the professional development required by this subsection.

(3) District policies shall include a series of graduated consequences including, but not limited to, diversion, use of juvenile specialty courts, restorative practices, suspension and expulsion for any student who commits an act of bullying, intimidation, harassment, violence or threats of violence. Guidelines for such policies will be set forth in the rules of the state board.

(4) Annually school districts shall report bullying incidents to the state department of education in a format set forth in rule by the state board. District policy shall designate persons to whom bullying reports are to be made and a procedure for a teacher or other

school employee, student, parent, guardian or other person to report or otherwise provide information on bullying activity.

ILLINOIS

105 ILL. COMP. STAT. ANN. 5/27-13.3 (2011). INTERNET SAFETY EDUCATION CURRICULUM

(a) The purpose of this Section is to inform and protect students from inappropriate or illegal communications and solicitation and to encourage school districts to provide education about Internet threats and risks, including without limitation child predators, fraud, and other dangers.

(b) The General Assembly finds and declares the following:

(1) it is the policy of this State to protect consumers and Illinois residents from deceptive and unsafe communications that result in harassment, exploitation, or physical harm;

(2) children have easy access to the Internet at home, school, and public places;

(3) the Internet is used by sexual predators and other criminals to make initial contact with children and other vulnerable residents in Illinois; and

(4) education is an effective method for preventing children from falling prey to online predators, identity theft, and other dangers.

(c) Each school may adopt an age-appropriate curriculum for Internet safety instruction of students in grades kindergarten through 12. However, beginning with the 2009-2010 school year, a school district must incorporate into the school curriculum a component on Internet safety to be taught at least once each school year to students in grades 3 through 12. The school board shall determine the scope and duration of this unit of instruction. The age-appropriate unit of instruction may be incorporated into the current courses of study regularly taught in the district's schools, as determined by the school board, and it is recommended that the unit of instruction include the following topics:

(1) Safe and responsible use of social networking websites, chat rooms, electronic mail, bulletin boards, instant messaging, and other means of communication on the Internet.

(2) Recognizing, avoiding, and reporting online solicitations of students, their classmates, and their friends by sexual predators.

(3) Risks of transmitting personal information on the Internet.

(4) Recognizing and avoiding unsolicited or deceptive communications received online.

- (5) Recognizing and reporting online harassment and cyber-bullying.
- (6) Reporting illegal activities and communications on the Internet.
- (7) Copyright laws on written materials, photographs, music, and video.
- (d) Curricula devised in accordance with subsection (c) of this Section may be submitted for review to the Office of the Illinois Attorney General.
- (e) The State Board of Education shall make available resource materials for educating children regarding child online safety and may take into consideration the curriculum on this subject developed by other states, as well as any other curricular materials suggested by education experts, child psychologists, or technology companies that work on child online safety issues. Materials may include without limitation safe online communications, privacy protection, cyber-bullying, viewing inappropriate material, file sharing, and the importance of open communication with responsible adults. The State Board of Education shall make these resource materials available on its Internet website.

105 ILL. COMP. STAT. ANN. 5/27-23.7 (2011). BULLYING PREVENTION

(a) The General Assembly finds that a safe and civil school environment is necessary for students to learn and achieve and that bullying causes physical, psychological, and emotional harm to students and interferes with students' ability to learn and participate in school activities. The General Assembly further finds that bullying has been linked to other forms of antisocial behavior, such as vandalism, shoplifting, skipping and dropping out of school, fighting, using drugs and alcohol, sexual harassment, and sexual violence. Because of the negative outcomes associated with bullying in schools, the General Assembly finds that school districts and non-public, non-sectarian elementary and secondary schools should educate students, parents, and school district or non-public, non-sectarian elementary or secondary school personnel about what behaviors constitute prohibited bullying.

Bullying on the basis of actual or perceived race, color, religion, sex, national origin, ancestry, age, marital status, physical or mental disability, military status, sexual orientation, gender-related identity or expression, unfavorable discharge from military service, association with a person or group with one or more of the aforementioned actual or perceived characteristics, or any other distinguishing characteristic is prohibited in all school districts and non-public, non-sectarian elementary and secondary schools. No student shall be subjected to bullying:

- (1) during any school-sponsored education program or activity;
- (2) while in school, on school property, on school buses or other school vehicles, at designated school bus stops waiting for the school bus, or at school-sponsored or school-sanctioned events or activities; or

(3) through the transmission of information from a school computer, a school computer network, or other similar electronic school equipment.

(b) In this Section:

“Bullying” means any severe or pervasive physical or verbal act or conduct, including communications made in writing or electronically, directed toward a student or students that has or can be reasonably predicted to have the effect of one or more of the following:

(1) placing the student or students in reasonable fear of harm to the student's or students' person or property;

(2) causing a substantially detrimental effect on the student's or students' physical or mental health;

(3) substantially interfering with the student's or students' academic performance; or

(4) substantially interfering with the student's or students' ability to participate in or benefit from the services, activities, or privileges provided by a school.

Bullying, as defined in this subsection (b), may take various forms, including without limitation one or more of the following: harassment, threats, intimidation, stalking, physical violence, sexual harassment, sexual violence, theft, public humiliation, destruction of property, or retaliation for asserting or alleging an act of bullying. This list is meant to be illustrative and non-exhaustive.

“School personnel” means persons employed by, on contract with, or who volunteer in a school district or non-public, non-sectarian elementary or secondary school, including without limitation school and school district administrators, teachers, school guidance counselors, school social workers, school counselors, school psychologists, school nurses, cafeteria workers, custodians, bus drivers, school resource officers, and security guards.

(c) (Blank).

(d) Each school district and non-public, non-sectarian elementary or secondary school shall create and maintain a policy on bullying, which policy must be filed with the State Board of Education. Each school district and non-public, non-sectarian elementary or secondary school must communicate its policy on bullying to its students and their parent or guardian on an annual basis. The policy must be updated every 2 years and filed with the State Board of Education after being updated. The State Board of Education shall monitor the implementation of policies created under this subsection (d).

(e) This Section shall not be interpreted to prevent a victim from seeking redress under any other available civil or criminal law. Nothing in this Section is intended to infringe upon any right to exercise free expression or the free exercise of religion or

religiously based views protected under the First Amendment to the United States Constitution or under Section 3 or 4 of Article 1 of the Illinois Constitution.

THE FOLLOWING BILL HAS NOT BEEN ENACTED AND IS CURRENTLY NOT THE LAW OF ILLINOIS. H.R. 1466, 97TH GEN. ASSEM., 1ST REG. SESS. (ILL. 2011). SCH CD-INTERNET SAFETY EDUC

Bill Status: Passed House. Placed on Senate Calendar - Consideration Postponed 05/22/2011

Sec. 27-13.3. Internet safety education curriculum.

(a) The purpose of this Section is to inform and protect students from inappropriate or illegal communications and solicitation and to encourage school districts to provide education about Internet threats and risks, including without limitation child predators, fraud, and other dangers.

(b) The General Assembly finds and declares the following:

(1) it is the policy of this State to protect consumers and Illinois residents from deceptive and unsafe communications that result in harassment, exploitation, or physical harm;

(2) children have easy access to the Internet at home, school, **through electronic communication devices**, and public places;

(3) the Internet is used by sexual predators and other criminals to make initial contact with children and other vulnerable residents in Illinois; ~~and~~ HB1466 Engrossed **(3.5) the Internet and electronic communication devices can be used to harass or exploit minors through transmitted images or text messages; and** (4) education is an effective method for preventing children from falling prey to online predators, identity theft, **harassment and exploitation by peers**, and other dangers.

(c) Each school may adopt an age-appropriate curriculum for Internet safety instruction of students in grades kindergarten through 12. However, beginning with the 2009-2010 school year, a school district must incorporate into the school curriculum a component on Internet safety to be taught at least once each school year to students in grades 3 through 12. The school board shall determine the scope and duration of this unit of instruction. **Beginning with the 2011-2012 school year, a school district must include in the age-appropriate curriculum topics regarding the appropriate use of electronic communication devices, including, but not limited to, the risks and consequences of dissemination and transmission of sexually explicit images and video.** The age-appropriate unit of instruction may be incorporated into the current courses of study regularly taught in the district's schools, as determined by the school board, and it is recommended that the unit of instruction include the following topics:

(1) Safe and responsible use of social networking websites, chat rooms, electronic mail, bulletin boards, HB1466 Engrossed instant messaging, and other means of communication on the Internet.

(2) Recognizing, avoiding, and reporting online solicitations of students, their classmates, and their friends by sexual predators.

(3) Risks of transmitting personal information on the Internet.

(4) Recognizing and avoiding unsolicited or deceptive communications received online.

(5) Recognizing and reporting online harassment and cyber-bullying.

(6) Reporting illegal activities and communications on the Internet.

(7) Copyright laws on written materials, photographs, music, and video.

(d) Curricula devised in accordance with subsection (c) of this Section may be submitted for review to the Office of the Illinois Attorney General.

(e) The State Board of Education shall make available resource materials for educating children regarding child online safety and may take into consideration the curriculum on this subject developed by other states, as well as any other curricular materials suggested by education experts, child psychologists, or technology companies that work on child online safety issues. Materials may include without limitation safe online communications, privacy protection, HB1466 Engrossed cyber-bullying, viewing inappropriate material, file sharing, **the dissemination and transmission of images and video**, and the importance of open communication with responsible adults. The State Board of Education shall make these resource materials available on its Internet website.

INDIANA

IND. CODE ANN. § 20-33-8-0.2 (2011). "BULLYING" DEFINED

Sec. 0.2. As used in this chapter, "bullying" means overt, repeated acts or gestures, including:

(1) verbal or written communications transmitted;

(2) physical acts committed; or

(3) any other behaviors committed;

by a student or group of students against another student with the intent to harass, ridicule, humiliate, intimidate, or harm the other student.

IND. CODE ANN. § 20-33-8-13.5 (2011). DISCIPLINE RULES; APPLICATION; NONCOMPLIANCE NOT USABLE AS EVIDENCE IN CAUSE OF ACTION

Sec. 13.5. (a) Discipline rules adopted by the governing body of a school corporation under section 12 of this chapter must:

(1) prohibit bullying; and

(2) include provisions concerning education, parental involvement, reporting, investigation, and intervention.

(b) The discipline rules described in subsection (a) must apply when a student is:

(1) on school grounds immediately before or during school hours, immediately after school hours, or at any other time when the school is being used by a school group;

(2) off school grounds at a school activity, function, or event;

(3) traveling to or from school or a school activity, function, or event; or

(4) using property or equipment provided by the school.

(c) This section may not be construed to give rise to a cause of action against a person or school corporation based on an allegation of noncompliance with this section. Noncompliance with this section may not be used as evidence against a school corporation in a cause of action.

2011 IND. LEGIS. SERV. CH. 180. (H.E.A. 1083) (EFFECTIVE 07/01/2011)

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SECTION 2. IC 20-33-8-13.5, AS ADDED BY P.L.106-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]:

<< IN ST 20-33-8-13.5 >>

Sec. 13.5. (a) Discipline rules adopted by the governing body of a school corporation under section 12 of this chapter must:

(1) prohibit bullying; and

(2) include provisions concerning education, parental involvement, reporting, investigation, and intervention.

(b) The discipline rules described in subsection (a) must apply when a student is:

(1) on school grounds immediately before or during school hours, immediately after school hours, or at any other time when the school is being used by a school group;

- (2) off school grounds at a school activity, function, or event;
- (3) traveling to or from school or a school activity, function, or event; or
- (4) using property or equipment provided by the school.

(c) The discipline rules described in subsection (a) must prohibit bullying through the use of data or computer software that is accessed through a:

(1) computer;

(2) computer system; or

(3) computer network;

of a school corporation.

~~(c)~~ **(d)** This section may not be construed to give rise to a cause of action against a person or school corporation based on an allegation of noncompliance with this section. Noncompliance with this section may not be used as evidence against a school corporation in a cause of action.

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H.R. 1567, 117TH GEN. ASSEM., 1ST REG. SESS. (IND. 2011). ANTIBULLYING

Bill Status: In House Committee on Education as of 01/20/2011

A BILL FOR AN ACT to amend the Indiana Code concerning education. Be it enacted by the General Assembly of the State of Indiana:

SOURCE: IC 5-2-10.1-12; (11)IN1567.1.1. -->

SECTION 1. IC 5-2-10.1-12, AS AMENDED BY P.L.132-2007, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]:

Sec. 12. (a) Each school within a school corporation shall establish a safe school committee. The committee may be a subcommittee of the committee that develops the strategic and continuous school improvement and achievement plan under IC 20-31-5.

(b) The department of education and the school corporation's school safety specialist shall provide materials **and guidelines** to assist a safe school committee in developing a plan for the school that addresses the following issues:

(1) Unsafe conditions, crime prevention, school violence, bullying, and other issues that prevent the maintenance of a safe school.

(2) Professional development needs for faculty and staff to implement methods that decrease problems identified under subdivision (1). -----

(3) Methods to encourage:

(A) involvement by the community and students;

(B) development of relationships between students and school faculty and staff; and

(C) use of problem solving teams.

(c) As a part of the plan developed under subsection (b), each safe school committee shall provide a copy of the floor plans for each building located on the school's property that clearly indicates each exit, the interior rooms and hallways, and the location of any hazardous materials located in the building to the law enforcement agency and the fire department that have jurisdiction over the school.

(d) The guidelines developed under subsection (b) must include information that assists school corporations and safe school committees in:

(1) developing and implementing bullying prevention programs; and

(2) establishing investigation and reporting procedures related to bullying. SOURCE: IC 20-20-8-8; (11)IN1567.1.2. -->

SECTION 2. IC 20-20-8-8, AS AMENDED BY P.L.3-2008, SECTION 115, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]:

Sec. 8. The report must include the following information:

(1) Student enrollment.

(2) Graduation rate (as defined in IC 20-26-13-6).

(3) Attendance rate.

(4) The following test scores, including the number and percentage of students meeting academic standards:

(A) ISTEP program test scores.

(B) Scores for assessments under IC 20-32-5-21, if appropriate.

(C) For a freeway school, scores on a locally adopted assessment program, if appropriate.

(5) Average class size.

(6) The number and percentage of students in the following groups or programs:

- (A) Alternative education, if offered.
- (B) Career and technical education.
- (C) Special education.
- (D) High ability.
- (E) Remediation.
- (F) Limited English language proficiency.
- (G) Students receiving free or reduced price lunch under the national school lunch program.
- (H) School flex program, if offered.
- (7) Advanced placement, including the following:
 - (A) For advanced placement tests, the percentage of students:
 - (i) scoring three (3), four (4), and five (5); and
 - (ii) taking the test.
 - (B) For the Scholastic Aptitude Test:
 - (i) test scores for all students taking the test;
 - (ii) test scores for students completing the academic honors diploma program; and
 - (iii) the percentage of students taking the test.
- (8) Course completion, including the number and percentage of students completing the following programs:
 - (A) Academic honors diploma.
 - (B) Core 40 curriculum.
 - (C) Career and technical programs.
- (9) The percentage of grade 8 students enrolled in algebra I.
- (10) The percentage of graduates who pursue higher education.
- (11) School safety, including:

(A) the number of students receiving suspension or expulsion for the possession of alcohol, drugs, or weapons; ~~and~~

(B) the number of incidents reported under IC 20-33-9; **and**

(C) the number and nature of bullying incidents reported under IC 20-34-6.

(12) Financial information and various school cost factors, including the following:

(A) Expenditures per pupil.

(B) Average teacher salary.

(C) Remediation funding.

(13) Technology accessibility and use of technology in instruction.

(14) Interdistrict and intradistrict student mobility rates, if that information is available.

(15) The number and percentage of each of the following within the school corporation:

(A) Teachers who are certificated employees (as defined in IC 20-29-2-4).

(B) Teachers who teach the subject area for which the teacher is certified and holds a license.

(C) Teachers with national board certification.

(16) The percentage of grade 3 students reading at grade 3 level.

(17) The number of students expelled, including the number participating in other recognized education programs during their expulsion.

(18) Chronic absenteeism, which includes the number of students who have been absent more than ten (10) days from school within a school year without being excused.

(19) The number of students who have dropped out of school, including the reasons for dropping out.

(20) The number of student work permits revoked.

(21) The number of student driver's licenses revoked.

(22) The number of students who have not advanced to grade 10 due to a lack of completed credits.

(23) The number of students suspended for any reason.

(24) The number of students receiving an international baccalaureate diploma.

(25) Other indicators of performance as recommended by the education roundtable under IC 20-19-4. SOURCE: IC 20-30-5-5.5; (11)IN1567.1.3. --> SECTION 3. IC 20-30-5-5.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 5.5. (a) Each public school shall provide within the first two (2) weeks of October age appropriate instruction focusing on bullying prevention for all students grades 1 through 12.**

(b) The department, in consultation with each school corporation's school safety specialist, shall prepare outlines or materials for the instruction described in subsection (a) and incorporate the instruction in the regular courses of grades 1 through 12. SOURCE: IC 20-33-8-0.2; (11)IN1567.1.4. -->

SECTION 4. IC 20-33-8-0.2, AS ADDED BY P.L.106-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]:

Sec. 0.2. **(a)** As used in this chapter, "bullying" means overt, repeated acts or gestures, including ~~(1)~~ verbal or written communications transmitted **in any manner, including digitally or electronically,** ~~(2)~~ physical acts committed, or ~~(3)~~ any other behaviors committed by a student or group of students against another student with the intent to harass, ridicule, humiliate, intimidate, or harm the other student **and create for the other student an objectively hostile school environment that meets one (1) or more of the following conditions:**

(1) Places the student in reasonable fear of harm to the student's person or property.

(2) Has a substantially detrimental effect on the student's physical or mental health.

(3) Has the effect of substantially interfering with the student's academic performance.

(4) Has the effect of substantially interfering with the student's ability to participate in or benefit from the services, activities, and privileges provided by the school. SOURCE: IC 20-33-8-13.5; (11)IN1567.1.5. -->

SECTION 5. IC 20-33-8-13.5, AS ADDED BY P.L.106-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]:

Sec. 13.5. (a) Discipline rules adopted by the governing body of a school corporation under section 12 of this chapter must:

(1) prohibit bullying; and

(2) include:

(A) provisions concerning education, parental involvement,

~~reporting, investigation,~~ and intervention;

(B) a detailed procedure for the prompt investigation of incidents of bullying that include:

(i) appropriate responses to bullying behaviors that occur on school property, on a school bus, or at a school sponsored activity;

(ii) provisions for anonymous and personal reporting of bullying incidents to a teacher or other school staff;

(iii) timetables for reporting of bullying incidents to parents, school administrators, the school superintendent, or law enforcement, if applicable; and

(iv) discipline provisions for teachers, school staff, or school administrators who fail to initiate or conduct an investigation of a bullying incident.

(b) The discipline rules described in subsection (a) must apply when a student is:

(1) on school grounds immediately before or during school hours, immediately after school hours, or at any other time when the school is being used by a school group;

(2) off school grounds at a school activity, function, or event;

(3) traveling to or from school or a school activity, function, or event; or

(4) using property or equipment provided by the school.

(c) This section may not be construed to give rise to a cause of action against a person or school corporation based on an allegation of noncompliance with this section.

Noncompliance with this section may not be used as evidence against a school corporation in a cause of action. SOURCE: IC 20-34-6-1; (11)IN1567.1.6. -->

SECTION 6. IC 20-34-6-1, AS ADDED BY P.L.74-2010, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]:

Sec. 1. (a) By July 1 of each year, each school corporation shall submit a report to the department detailing the following information for the current school year for each school in the school corporation and for the entire school corporation:

(1) The number of arrests of students on school corporation property, including arrests made by law enforcement officers, security guards, school safety specialists, and other school corporation employees, and any citizen arrests.

(2) The offenses for which students were arrested on school corporation property.

(3) The number of contacts with law enforcement personnel from a school corporation employee that have resulted in arrests of students not on school corporation property.

(4) Statistics concerning the age, race, and gender of students arrested on school corporation property and categorizing the statistics by offenses.

(5) Whether the school corporation has established and employs a school corporation police department under IC 20-26-16, and if so, report:

(A) the number of officers in the school corporation police department; and

(B) the training the officers must complete.

(6) If the school corporation employs private security guards to enforce rules or laws on school property, a detailed explanation of the use of private security guards by the school corporation.

(7) If the school corporation has an agreement with a local law enforcement agency regarding procedures to arrest students on school property, a detailed explanation of the use of the local law enforcement agency by the school corporation.

(8) The number and nature of reported bullying incidents involving a student of the school within the school corporation that occur when a student is:

(A) on school grounds immediately before or after school hours, during school hours, or at any other time when the school is being used by a school group;

(B) off school grounds at a school activity, function, or event;

(C) traveling to or from school or a school activity, function, or event; or

(D) using property or equipment provided by the school.

(b) By August 1 of each year, the department shall submit a report to: -----

(1) the legislative council;

(2) the education roundtable established by IC 20-19-4-2;

(3) the board for the coordination of programs serving vulnerable individuals established by IC 4-23-30.2-8; and

(4) the criminal justice institute; providing a summary of the reports submitted to the department under subsection (a). The report to the legislative council must be in an electronic format under IC 5-14-6.

(c) By August 1 of each year, the department must post the reports described in subsections (a) and (b) on the department's Internet web site. SOURCE: IC 21-39-2-2.1; (11)IN1567.1.7. --> SECTION 7. IC 21-39-2-2.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 2.1. (a) As used in this section, "bullying" means overt, repeated acts or gestures,**

including verbal or written communications transmitted in any manner, including digitally or electronically, physical acts committed, or any other behaviors committed by a student or group of students against another student with the intent to harass, ridicule, humiliate, intimidate, or harm the other student and create for the other student an objectively hostile environment while the student is upon the property owned, used, or occupied by the state educational institution that meets one (1) or more of the following conditions:

(1) Places the student in reasonable fear of harm to the student's person or property.

(2) Has a substantially detrimental effect on the student's physical or mental health.

(3) Has the effect of substantially interfering with the student's academic performance.

(4) Has the effect of substantially interfering with the student's ability to participate in or benefit from the services, activities, and privileges provided by the state educational institution.

(b) This section applies to the board of trustees of the following state educational institutions:

(1) Ball State University.

(2) Indiana University.

(3) Indiana State University.

(4) Purdue University.

(5) University of Southern Indiana.

(c) If a board of trustees of a state educational institution elects to govern by regulation or another means, the conduct of students, faculty, employees, and others while upon the property owned, used, or occupied by the state educational institution, the regulation must include a policy prohibiting bullying.

S. 538, 117TH GEN. ASSEM., 1ST REG. SESS. (IND. 2011). BULLYING PREVENTION

Bill Status: In Senate Committee on Education and Career Development as of 01/18/2011

A BILL FOR AN ACT to amend the Indiana Code concerning education. Be it enacted by the General Assembly of the State of Indiana: SOURCE: IC 20-19-3-11;

(11)IN0538.1.1. --> SECTION 1. IC 20-19-3-11 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec.**

11. (a) As used in this section, "bullying" has the meaning set forth in IC 20-33-8-0.2.

(b) The department shall evaluate and make available to school corporations effective models of bullying prevention plans that governing bodies may use in establishing rules and policies under IC 20-33-8-13.5. Models under this section must include effective policies for addressing electronic or digital bullying that occurs on and off school property.

(c) The department shall provide an appropriate incentive to school corporations with policies that encourage student participation in curricular and extracurricular activities designed to prevent bullying. SOURCE: IC 20-20-8-8; (11)IN0538.1.2. -->

SECTION 2. IC 20-20-8-8, AS AMENDED BY P.L.3-2008, SECTION 115, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]:

Sec. 8. The report must include the following information:

- (1) Student enrollment.
- (2) Graduation rate (as defined in IC 20-26-13-6).
- (3) Attendance rate.
- (4) The following test scores, including the number and percentage of students meeting academic standards:
 - (A) ISTEP program test scores.
 - (B) Scores for assessments under IC 20-32-5-21, if appropriate.
 - (C) For a freeway school, scores on a locally adopted assessment program, if appropriate.
- (5) Average class size.
- (6) The number and percentage of students in the following groups or programs:
 - (A) Alternative education, if offered.
 - (B) Career and technical education.
 - (C) Special education.
 - (D) High ability.
 - (E) Remediation.
 - (F) Limited English language proficiency.
 - (G) Students receiving free or reduced price lunch under the national school lunch program.

(H) School flex program, if offered.

(7) Advanced placement, including the following:

(A) For advanced placement tests, the percentage of students:

(i) scoring three (3), four (4), and five (5); and

(ii) taking the test.

(B) For the Scholastic Aptitude Test:

(i) test scores for all students taking the test;

(ii) test scores for students completing the academic honors diploma program; and

(iii) the percentage of students taking the test.

(8) Course completion, including the number and percentage of students completing the following programs:

(A) Academic honors diploma.

(B) Core 40 curriculum.

(C) Career and technical programs.

(9) The percentage of grade 8 students enrolled in algebra I.

(10) The percentage of graduates who pursue higher education.

(11) School safety, including:

(A) the number of students receiving suspension or expulsion for the possession of alcohol, drugs, or weapons; and -----

(B) the number of incidents reported under IC 20-33-9; and

(C) the number of incidents reported under IC 20-33-8-13.5.

(12) Financial information and various school cost factors, including the following:

(A) Expenditures per pupil.

(B) Average teacher salary.

(C) Remediation funding.

- (13) Technology accessibility and use of technology in instruction.
- (14) Interdistrict and intradistrict student mobility rates, if that information is available.
- (15) The number and percentage of each of the following within the school corporation:
 - (A) Teachers who are certificated employees (as defined in IC 20-29-2-4).
 - (B) Teachers who teach the subject area for which the teacher is certified and holds a license.
 - (C) Teachers with national board certification.
- (16) The percentage of grade 3 students reading at grade 3 level.
- (17) The number of students expelled, including the number participating in other recognized education programs during their expulsion.
- (18) Chronic absenteeism, which includes the number of students who have been absent more than ten (10) days from school within a school year without being excused.
- (19) The number of students who have dropped out of school, including the reasons for dropping out.
- (20) The number of student work permits revoked.
- (21) The number of student driver's licenses revoked.
- (22) The number of students who have not advanced to grade 10 due to a lack of completed credits.
- (23) The number of students suspended for any reason.
- (24) The number of students receiving an international baccalaureate diploma.
- (25) Other indicators of performance as recommended by the education roundtable under IC 20-19-4. SOURCE: IC 20-26-5-32; (11)IN0538.1.3. -->

SECTION 3. IC 20-26-5-32, AS ADDED BY P.L.66-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]:

Sec. 32. **(a)** The governing body of each school corporation shall work with parents to:

- (1) develop; and -----
- (2) review periodically; an evidence based plan for improving student behavior and discipline in the school corporation after receiving a model plan developed by the department.

(b) The plan developed under subsection (a) must include specific components that address bullying prevention and response.SOURCE: IC 20-28-2-6; (11)IN0538.1.4. --

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SECTION 4. IC 20-28-2-6, AS AMENDED BY P.L.30-2010, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]:

Sec. 6. (a) Subject to subsection (c) and in addition to the powers and duties set forth in IC 20-20-22 or this article, the advisory board may adopt rules under IC 4-22-2 to do the following:

- (1) Set standards for teacher licensing and for the administration of a professional licensing and certification process by the department.
- (2) Approve or disapprove teacher preparation programs.
- (3) Set fees to be charged in connection with teacher licensing.
- (4) Suspend, revoke, or reinstate teacher licenses.
- (5) Enter into agreements with other states to acquire reciprocal approval of teacher preparation programs.
- (6) Set standards for teacher licensing concerning new subjects of study.
- (7) Evaluate work experience and military service concerning postsecondary education and experience equivalency.
- (8) Perform any other action that:
 - (A) relates to the improvement of instruction in the public schools through teacher education and professional development through continuing education; and
 - (B) attracts qualified candidates for teacher education from among the high school graduates of Indiana.
- (9) Set standards for endorsement of school psychologists as independent practice school psychologists under IC 20-28-12.
- (10) Before July 1, 2011, set standards for sign language interpreters who provide services to children with disabilities in an educational setting and an enforcement mechanism for the interpreter standards.
- (11) Set standards for teacher and administrator continuing education in the prevention of and response to bullying.**

(b) Notwithstanding subsection (a)(1), an individual is entitled to one (1) year of occupational experience for purposes of obtaining an occupational specialist certificate under this article for each year the individual holds a license under IC 25-8-6.

(c) Before publishing notice of the intent to adopt a rule under IC 4-22-2, the advisory board must submit the proposed rule to the state superintendent for approval. If the state superintendent approves the rule, the advisory board may publish notice of the intent to adopt the rule. If the state superintendent does not approve the rule, the advisory board may not publish notice of the intent to adopt the rule.

(d) The advisory board may adopt rules under IC 4-22-2, including emergency rules under IC 4-22-2-37.1, to establish procedures to expedite the issuance, renewal, or reinstatement under this article of a license or certificate of a person whose spouse serves on active duty (as defined in IC 25-1-12-2) and is assigned to a duty station in Indiana. Before publishing notice of the intent to adopt a permanent rule under IC 4-22-2, the advisory board must comply with subsection (c). SOURCE: IC 20-33-8-0.2; (11)IN0538.1.5. -->

SECTION 5. IC 20-33-8-0.2, AS ADDED BY P.L.106-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]:

Sec. 0.2. As used in this chapter, “bullying” means overt, repeated acts or gestures, including ~~(1)~~ verbal or written communications transmitted **in any manner, including digitally or electronically**, ~~(2)~~ physical acts committed, or ~~(3)~~ any other behaviors committed by a student or group of students against another student with the intent to harass, ridicule, humiliate, intimidate, or harm the other student **and create for the other student an objectively hostile school environment that meets one (1) or more of the following conditions:**

(1) Places the student in reasonable fear of harm to the student's person or property.

(2) Has a substantially detrimental effect on the student's physical or mental health.

(3) Has the effect of substantially interfering with the student's academic performance.

(4) Has the effect of substantially interfering with the student's ability to participate in or benefit from the services, activities, and privileges provided by the school. SOURCE: IC 20-33-8-13.5; (11)IN0538.1.6. -->

SECTION 6. IC 20-33-8-13.5, AS ADDED BY P.L.106-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]:

Sec. 13.5. (a) Discipline rules adopted by the governing body of a school corporation under section 12 of this chapter must:

(1) prohibit bullying; and

(2) include provisions concerning **appropriate** education **for students in each grade**, parental involvement, reporting, investigation, and intervention. **The rules adopted, and any changes to the rules, must be submitted to the department annually.**

(b) The discipline rules described in subsection (a) must apply when a student is:

(1) on school grounds immediately before or during school hours, immediately after school hours, or at any other time when the school is being used by a school group;

(2) off school grounds at a school activity, function, or event;

(3) traveling to or from school or a school activity, function, or event; or

(4) using property or equipment provided by the school.

(c) This section may not be construed to give rise to a cause of action against a person or school corporation based on an allegation of noncompliance with this section. Noncompliance with this section may not be used as evidence against a school corporation in a cause of action.

(d) The discipline rules described in subsection (a) must require the following:

(1) A teacher or other school staff member who observes or receives a report of a bullying incident shall submit a written report of the bullying incident reported to or observed by a teacher or other school staff member, including any action taken by the teacher or other school staff member, to the principal of the school.

(2) The principal who receives a report submitted under subdivision (1) shall:

(A) notify the parent of each student involved in the bullying incident, arranging for a meeting with the parents if necessary; and

(B) submit to the superintendent a written report of the action taken by the principal in response to a report submitted under subdivision (1).

(3) The superintendent shall submit an annual report to the department of the number and types of bullying incidents occurring in the school corporation, including actions taken in response to the incidents.

(e) The department may audit a school corporation's compliance with this section at any time.

IOWA

IOWA CODE § 280.28 (2011). HARASSMENT AND BULLYING PROHIBITED--POLICY--IMMUNITY

1. Purpose--findings--policy. The state of Iowa is committed to providing all students with a safe and civil school environment in which all members of the school community are treated with dignity and respect. The general assembly finds that a safe and civil school environment is necessary for students to learn and achieve at high academic levels. Harassing and bullying behavior can seriously disrupt the ability of school employees to maintain a safe and civil environment, and the ability of students to learn and succeed. Therefore, it is the policy of the state of Iowa that school employees, volunteers, and students in Iowa schools shall not engage in harassing or bullying behavior.

2. Definitions. For purposes of this section, unless the context otherwise requires:

a. "Electronic" means any communication involving the transmission of information by wire, radio, optical cable, electromagnetic, or other similar means. "Electronic" includes but is not limited to communication via electronic mail, internet-based communications, pager service, cell phones, and electronic text messaging.

b. "Harassment" and "bullying" shall be construed to mean any electronic, written, verbal, or physical act or conduct toward a student which is based on any actual or perceived trait or characteristic of the student and which creates an objectively hostile school environment that meets one or more of the following conditions:

(1) Places the student in reasonable fear of harm to the student's person or property.

(2) Has a substantially detrimental effect on the student's physical or mental health.

(3) Has the effect of substantially interfering with a student's academic performance.

(4) Has the effect of substantially interfering with the student's ability to participate in or benefit from the services, activities, or privileges provided by a school.

c. "Trait or characteristic of the student" includes but is not limited to age, color, creed, national origin, race, religion, marital status, sex, sexual orientation, gender identity, physical attributes, physical or mental ability or disability, ancestry, political party preference, political belief, socioeconomic status, or familial status.

d. "Volunteer" means an individual who has regular, significant contact with students.

3. Policy. On or before September 1, 2007, the board of directors of a school district and the authorities in charge of each accredited nonpublic school shall adopt a policy declaring harassment and bullying in schools, on school property, and at any school function, or school-sponsored activity regardless of its location, in a manner consistent

with this section, as against state and school policy. The board and the authorities shall make a copy of the policy available to all school employees, volunteers, students, and parents or guardians and shall take all appropriate steps to bring the policy against harassment and bullying and the responsibilities set forth in the policy to the attention of school employees, volunteers, students, and parents or guardians. Each policy shall, at a minimum, include all of the following components:

a. A statement declaring harassment and bullying to be against state and school policy. The statement shall include but not be limited to the following provisions:

(1) School employees, volunteers, and students in school, on school property, or at any school function or school-sponsored activity shall not engage in harassing and bullying behavior.

(2) School employees, volunteers, and students shall not engage in reprisal, retaliation, or false accusation against a victim, witness, or an individual who has reliable information about such an act of harassment or bullying.

b. A definition of harassment and bullying as set forth in this section.

c. A description of the type of behavior expected from school employees, volunteers, parents or guardians, and students relative to prevention measures, reporting, and investigation of harassment or bullying.

d. The consequences and appropriate remedial action for a person who violates the antiharassment and antibullying policy.

e. A procedure for reporting an act of harassment or bullying, including the identification by job title of the school official responsible for ensuring that the policy is implemented, and the identification of the person or persons responsible for receiving reports of harassment or bullying.

f. A procedure for the prompt investigation of complaints, either identifying the school superintendent or the superintendent's designee as the individual responsible for conducting the investigation, including a statement that investigators will consider the totality of circumstances presented in determining whether conduct objectively constitutes harassment or bullying under this section.

g. A statement of the manner in which the policy will be publicized.

4. Programs encouraged. The board of directors of a school district and the authorities in charge of each accredited nonpublic school are encouraged to establish programs designed to eliminate harassment and bullying in schools. To the extent that funds are available for these purposes, school districts and accredited nonpublic schools shall do the following:

a. Provide training on antiharassment and antibullying policies to school employees and volunteers who have significant contact with students.

b. Develop a process to provide school employees, volunteers, and students with the skills and knowledge to help reduce incidents of harassment and bullying.

5. Immunity. A school employee, volunteer, or student, or a student's parent or guardian who promptly, reasonably, and in good faith reports an incident of harassment or bullying, in compliance with the procedures in the policy adopted pursuant to this section, to the appropriate school official designated by the school district or accredited nonpublic school, shall be immune from civil or criminal liability relating to such report and to participation in any administrative or judicial proceeding resulting from or relating to the report.

6. Collection requirement. The board of directors of a school district and the authorities in charge of each nonpublic school shall develop and maintain a system to collect harassment and bullying incidence data.

7. Integration of policy and reporting. The board of directors of a school district and the authorities in charge of each nonpublic school shall integrate its antiharassment and antibullying policy into the comprehensive school improvement plan required under section 256.7, subsection 21, and shall report data collected under subsection 6, as specified by the department, to the local community.

8. Existing remedies not affected. This section shall not be construed to preclude a victim from seeking administrative or legal remedies under any applicable provision of law.

KANSAS

KAN. STAT. ANN. § 72-8256 (2010). BULLYING, SCHOOL DISTRICT POLICIES

(a) As used in this section:

(1) "Bullying" means:

(A) Any intentional gesture or any intentional written, verbal, electronic or physical act or threat that is sufficiently severe, persistent or pervasive that it creates an intimidating, threatening or abusive educational environment for a student or staff member that a reasonable person, under the circumstances, knows or should know will have the effect of:

(i) Harming a student or staff member, whether physically or mentally;

(ii) damaging a student's or staff member's property;

(iii) placing a student or staff member in reasonable fear of harm to the student or staff member; or

(iv) placing a student or staff member in reasonable fear of damage to the student's or staff member's property;

(B) cyberbullying; or

(C) any other form of intimidation or harassment prohibited by the board of education of the school district in policies concerning bullying adopted pursuant to this section or subsection (e) of K.S.A. 72-8205, and amendments thereto.

(2) "Cyberbullying" means bullying by use of any electronic communication device through means including, but not limited to, e-mail, instant messaging, text messages, blogs, mobile phones, pagers, online games and websites.

(3) "School vehicle" means any school bus, school van, other school vehicle and private vehicle used to transport students or staff members to and from school or any school-sponsored activity or event.

(b) The board of education of each school district shall adopt a policy to prohibit bullying on or while utilizing school property, in a school vehicle or at a school-sponsored activity or event.

(c) The board of education of each school district shall adopt and implement a plan to address bullying on school property, in a school vehicle or at a school-sponsored activity or event. Such plan shall include provisions for the training and education for staff members and students.

(d) The board of education of each school district may adopt additional policies relating to bullying pursuant to subsection (e) of K.S.A. 72-8205, and amendments thereto.

S. 69, 84TH LEG., REG. SESS. (KAN. 2011). REQUIRING SCHOOL DISTRICTS TO ADOPT POLICIES AGAINST DATING VIOLENCE

Bill Status: In Senate Committee on Education as of 01/28/2011

AN ACT concerning school districts; relating to bullying and dating violence; amending K.S.A. 2010 Supp. 72-8256 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 2010 Supp. 72-8256 is hereby amended to read as follows: 72-8256. (a) As used in this section:

(1) "Bullying" means: (A) Any intentional gesture or any intentional written, verbal, electronic or physical act or threat that is sufficiently severe, persistent or pervasive that it

creates an intimidating, threatening or abusive educational environment for a student or staff member that a reasonable person, under the circumstances, knows or should know will have the effect of:

- (i) Harming a student or staff member, whether physically or mentally;
- (ii) damaging a student's or staff member's property;
- (iii) placing a student or staff member in reasonable fear of harm to the student or staff member; or
- (iv) placing a student or staff member in reasonable fear of damage to the student's or staff member's property;

(B) cyberbullying; or

(C) any other form of intimidation or harassment prohibited by the board of education of the school district in policies concerning bullying adopted pursuant to this section or subsection (e) of K.S.A. 72-8205, and amendments thereto.

(2) "Cyberbullying" means bullying by use of any electronic communication device through means including, but not limited to, e-mail, instant messaging, text messages, blogs, mobile phones, pagers, online games and websites.

(3) "Dating partner" means any person involved in an intimate relationship with another primarily characterized by the expectation of affectionate involvement whether casual, serious or long term.

(4) "Dating violence" means a pattern of behavior where one person uses threats of, or actually uses, physical, sexual, verbal or emotional abuse to control such person's dating partner.

~~(3)~~**(5)** "School vehicle" means any school bus, school van, other school vehicle and private vehicle used to transport students or staff members to and from school or any school-sponsored activity or event.

(b) **(1)** The board of education of each school district shall adopt a policy to prohibit bullying **and dating violence** on or while utilizing school property, in a school vehicle or at a school-sponsored activity or event.

~~(c)~~**(2)** The board of education of each school district shall adopt and implement a plan to address bullying **and dating violence** on school property, in a school vehicle or at a school-sponsored activity or event. Such plan shall include provisions for the training and education for staff members and students. **Such plan shall be submitted to the department of education and shall be kept on file with the department.**

~~(d)~~**(3)** The board of education of each school district may adopt additional policies relating to bullying **and dating violence** pursuant to subsection (e) of K.S.A. 72-8205, and amendments thereto.

Sec. 2. K.S.A. 2010 Supp. 72-8256 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.

KENTUCKY

KY. REV. STAT. ANN. § 158.183 (2010). PROHIBITED ACTS BY STUDENTS; RIGHTS OF STUDENT; ADMINISTRATIVE REMEDIES

(1) A student shall have the right to carry out an activity described in any of paragraphs (a) to (d) of subsection (2) of this section, if the student does not:

(a) Infringe on the rights of the school to:

1. Maintain order and discipline;
2. Prevent disruption of the educational process; and
3. Determine educational curriculum and assignments;

(b) Harass other persons or coerce other persons to participate in the activity; or

(c) Otherwise infringe on the rights of other persons.

(2) Subject to the provisions of subsection (1) of this section, a student shall be permitted to voluntarily:

(a) Pray in a public school, vocally or silently, alone or with other students to the same extent and under the same circumstances as a student is permitted to vocally or silently reflect, meditate, or speak on nonreligious matters alone or with other students in the public school;

(b) Express religious viewpoints in a public school to the same extent and under the same circumstances as a student is permitted to express viewpoints on nonreligious topics or subjects in the school;

(c) Speak to and attempt to discuss religious viewpoints with other students in a public school to the same extent and under the same circumstances as a student is permitted to speak to and attempt to share nonreligious viewpoints with other students. However, any

student may demand that this speech or these attempts to share religious viewpoints not be directed at him or her;

(d) Distribute religious literature in a public school, subject to reasonable time, place, and manner restrictions to the same extent and under the same circumstances as a student is permitted to distribute literature on nonreligious topics or subjects in the school; and

(e) Be absent, in accordance with attendance policy, from a public school to observe religious holidays and participate in other religious practices to the same extent and under the same circumstances as a student is permitted to be absent from a public school for nonreligious purposes.

(3) No action may be maintained under KRS 158.181 to 158.187 unless the student has exhausted the following administrative remedies;

(a) The student or the student's parent or guardian shall state his or her complaint to the school's principal. The principal shall investigate and take appropriate action to ensure the rights of the student are resolved within seven (7) days of the date of the complaint;

(b) If the concerns are not resolved, then the student or the student's parent or guardian shall make a complaint in writing to the superintendent with the specific facts of the alleged violation;

(c) The superintendent shall investigate and take appropriate action to ensure that the rights of the student are resolved within thirty (30) days of the date of the written complaint; and

(d) Only after the superintendent's investigation and action may a student or the student's parent or legal guardian pursue any other legal action.

LOUISIANA

LA. REV. STAT. ANN. § 14:40.3 (2010). CYBERSTALKING

A. For the purposes of this Section, the following words shall have the following meanings:

(1) "Electronic communication" means any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature, transmitted in whole or in part by wire, radio, computer, electromagnetic, photoelectric, or photo-optical system.

(2) "Electronic mail" means the transmission of information or communication by the use of the Internet, a computer, a facsimile machine, a pager, a cellular telephone, a video recorder, or other electronic means sent to a person identified by a unique address or address number and received by that person.

B. Cyberstalking is action of any person to accomplish any of the following:

(1) Use in electronic mail or electronic communication of any words or language threatening to inflict bodily harm to any person or to such person's child, sibling, spouse, or dependent, or physical injury to the property of any person, or for the purpose of extorting money or other things of value from any person.

(2) Electronically mail or electronically communicate to another repeatedly, whether or not conversation ensues, for the purpose of threatening, terrifying, or harassing any person.

(3) Electronically mail or electronically communicate to another and to knowingly make any false statement concerning death, injury, illness, disfigurement, indecent conduct, or criminal conduct of the person electronically mailed or of any member of the person's family or household with the intent to threaten, terrify, or harass.

(4) Knowingly permit an electronic communication device under the person's control to be used for the taking of an action in Paragraph (1), (2), or (3) of this Subsection.

C. (1) Whoever commits the crime of cyberstalking shall be fined not more than two thousand dollars, or imprisoned for not more than one year, or both.

(2) Upon a second conviction occurring within seven years of the prior conviction for cyberstalking, the offender shall be imprisoned for not less than one hundred and eighty days and not more than three years, and may be fined not more than five thousand dollars, or both.

(3) Upon a third or subsequent conviction occurring within seven years of a prior conviction for stalking, the offender shall be imprisoned for not less than two years and not more than five years and may be fined not more than five thousand dollars, or both.

(4)(a) In addition, the court shall order that the personal property used in the commission of the offense shall be seized and impounded, and after conviction, sold at public sale or public auction by the district attorney in accordance with R.S. 15:539.1.

(b) The personal property made subject to seizure and sale pursuant to Subparagraph (a) of this Paragraph may include, but shall not be limited to, electronic communication devices, computers, computer related equipment, motor vehicles, photographic equipment used to record or create still or moving visual images of the victim that are recorded on paper, film, video tape, disc, or any other type of digital recording media.

D. Any offense under this Section committed by the use of electronic mail or electronic communication may be deemed to have been committed where the electronic mail or electronic communication was originally sent, originally received, or originally viewed by any person.

E. This Section does not apply to any peaceable, nonviolent, or nonthreatening activity intended to express political views or to provide lawful information to others.

LA. REV. STAT. ANN. § 14:40.7 (2010). CYBERBULLYING

A. Cyberbullying is the transmission of any electronic textual, visual, written, or oral communication with the malicious and willful intent to coerce, abuse, torment, or intimidate a person under the age of eighteen.

B. For purposes of this Section:

(1) “Cable operator” means any person or group of persons who provides cable service over a cable system and directly, or through one or more affiliates, owns a significant interest in such cable system, or who otherwise controls or is responsible for, through any arrangement, the management and operation of such a cable system.

(2) “Electronic textual, visual, written, or oral communication” means any communication of any kind made through the use of a computer online service, Internet service, or any other means of electronic communication, including but not limited to a local bulletin board service, Internet chat room, electronic mail, or online messaging service.

(3) “Interactive computer service” means any information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including a service or system that provides access to the Internet and such systems operated or services offered by libraries or educational institutions.

(4) “Telecommunications service” means the offering of telecommunications for a fee directly to the public, regardless of the facilities used.

C. An offense committed pursuant to the provisions of this Section may be deemed to have been committed where the communication was originally sent, originally received, or originally viewed by any person.

D. (1) Except as provided in Paragraph (2) of this Subsection, whoever commits the crime of cyberbullying shall be fined not more than five hundred dollars, imprisoned for not more than six months, or both.

(2) When the offender is under the age of seventeen, the disposition of the matter shall be governed exclusively by the provisions of Title VII of the Children's Code.

E. The provisions of this Section shall not apply to a provider of an interactive computer service, provider of a telecommunications service, or a cable operator as defined by the provisions of this Section.

F. The provisions of this Section shall not be construed to prohibit or restrict religious free speech pursuant to Article I, Section 8 of the Constitution of Louisiana.

LA. REV. STAT. ANN. § 17:416.13 (2010). STUDENT CODE OF CONDUCT; REQUIREMENT; HARASSMENT, INTIMIDATION, AND BULLYING; PROHIBITION; EXEMPTIONS

A. By not later than August 1, 1999, each city, parish, and other local public school board shall adopt a student code of conduct for the students in its school system. Such code of conduct shall be in compliance with all existing rules, regulations, and policies of the board and of the State Board of Elementary and Secondary Education and all state laws relative to student discipline and shall include any necessary disciplinary action to be taken against any student who violates the code of conduct.

B. (1) By not later than August 1, 2001, each city, parish, and other local public school board shall adopt and incorporate into the student code of conduct as provided in this Section a policy prohibiting the harassment, intimidation, and bullying of a student by another student.

(2) For purposes of this Subsection, the terms “harassment”, “intimidation”, and “bullying” shall mean any intentional gesture or written, verbal, or physical act that:

(a) A reasonable person under the circumstances should know will have the effect of harming a student or damaging his property or placing a student in reasonable fear of harm to his life or person or damage to his property; and

(b) Is so severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment for a student.

(3) Any student, school employee, or school volunteer who in good faith reports an incident of harassment, intimidation, or bullying to the appropriate school official in accordance with the procedures established by local board policy shall be immune from a right of action for damages arising from any failure to remedy the reported incident.

(4) The provisions of this Subsection shall not apply to the parishes of Livingston, East Baton Rouge, East Feliciana, West Feliciana, St. Helena, and Tangipahoa.

C. (1) By not later than January 1, 2011, the governing authority of each public elementary and secondary school shall conduct a review of the student code of conduct required by this Section and amend such code as may be necessary to assure that the policy prohibiting the harassment, intimidation, and bullying of a student by another student specifically addresses the nature, extent, causes, and consequences of cyberbullying.

(2) For the purposes of this Subsection, the term “cyberbullying” shall mean harassment, intimidation, or bullying of a student on school property by another student using a computer, mobile phone, or other interactive or digital technology or harassment,

intimidation, or bullying of a student while off school property by another student using any such means when the action or actions are intended to have an effect on the student when the student is on school property.

D. (1) Beginning on January 1, 2011, and continuing thereafter, the governing authority of each public elementary and secondary school shall inform each student, in writing within ten days after enrolling in school of the prohibition against harassment, intimidation, and bullying, including cyberbullying, of a student by another student; the nature and consequences of such actions; and the proper process and procedure for reporting any incidents involving such prohibited actions.

(2) By not later than January 1, 2011, the governing authority of each public elementary and secondary school shall develop and adopt a policy establishing procedures for the investigation of reports of harassment, intimidation, and bullying, including cyberbullying, of a student by another student.

(3)(a) The state Department of Education shall develop a behavior incidence checklist that the governing authority of each public elementary and secondary school shall use to document the details of each reported incident of harassment, intimidation, and bullying, including cyberbullying.

(b) The governing authority of each public elementary and secondary school shall report all such documented incidences of harassment, intimidation, and bullying, including cyberbullying, to the Department of Education as prescribed in rules adopted by the State Board of Elementary and Secondary Education in accordance with the Administrative Procedure Act.

MAINE

ME. REV. STAT. ANN. tit. 20-A, § 1001 (2011). DUTIES OF SCHOOL BOARDS

School boards shall perform the following duties.

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15. Adoption of student code of conduct. With input from educators, administrators, parents, students and community members, they shall adopt a district-wide student code of conduct consistent with the statewide standards for student behavior developed under section 254, subsection 11. The student code of conduct must:

A. Define unacceptable student behavior;

B. Establish standards of student responsibility for behavior;

C. Prescribe consequences for violation of the student code of conduct, including first-time violations, when appropriate;

D. Describe appropriate procedures for referring students in need of special services to those services;

E. Establish criteria to determine when further assessment of a current individual education plan is necessary, based on removal of the student from class;

F. Establish policies and procedures concerning the removal of disruptive or violent students or students threatening death or bodily harm to others from a classroom or a school bus, as well as student disciplinary and placement decisions, when appropriate;

G. Establish guidelines and criteria concerning the appropriate circumstances when the superintendent or the superintendent's designee may provide information to the local police or other appropriate law enforcement authorities regarding an offense that involves violence committed by any person on school grounds or other school property; and

H. Establish policies and procedures to address bullying, harassment and sexual harassment.

*

THE FOLLOWING BILL HAS NOT BEEN ENACTED AND IS CURRENTLY NOT THE LAW OF MAINE. H.P. 24, 125TH LEG., 1ST REG. SESS. (ME. 2011). AN ACT TO PROHIBIT CYBERBULLYING IN PUBLIC SCHOOLS (LD 980)

Bill Status: Carried over to any special and/or regular session of the 125th Legislature pursuant to Joint Order HP 1190 on 06/29/2011

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 17-A MRSA §506-C is enacted to read:

§ 506-C. Harassment by cyberbullying

1. A person is guilty of harassment by cyberbullying if, without reasonable cause, the person engages in any course of conduct that involves deliberate repeated or pervasive bullying through the use of technology or any electronic communication, including, but not limited to, a transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted by the use of any electronic device, including, but not limited to, a computer, telephone, cellular telephone, text messaging device and personal digital assistant.

2. Violation of this section is a civil violation for which a fine of not more than \$500 may be adjudged.

Sec. 2. 20-A MRSA §1001, sub-§15, ¶G, as amended by PL 2005, c. 307, §2, is further amended to read:

G. Establish guidelines and criteria concerning the appropriate circumstances when the superintendent or the superintendent's designee may provide information to the local

police or other appropriate law enforcement authorities regarding an offense that involves violence committed by any person on school grounds or other school property; ~~and~~

Sec. 3. 20-A MRSA §1001, sub-§15, ¶H, as enacted by PL 2005, c. 307, §3, is amended to read:

H. Establish policies and procedures to address bullying, **cyberbullying**, harassment and sexual harassment - **; and**

Sec. 4. 20-A MRSA §1001, sub-§15, ¶I is enacted to read:

I. Establish policies and procedures for isolating a violator of a protection from harassment order from the recipient of a protection from harassment order when the protection from harassment order arises from a violation of Title 5, section 4681; Title 17, section 2931; or Title 17A, section 201, 202, 203, 204, 207, 208, 209, 210, 210A, 211, 253, 301, 302, 303, 506A, 506C, 511, 556, 802, 803A, 805 or 806.

Sec. 5. 20-A MRSA §6553, as amended by PL 1999, c. 351, §4, is repealed.

Sec. 6. 20-A MRSA §6553-A is enacted to read:

§ 6553-A. Adoption of school policy prohibiting offensive student or organizational behavior

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. “Bullying” means the repeated use by one or more persons of a written, verbal or electronic expression or a physical act or gesture or any combination thereof directed at a victim that: (1) Causes physical or emotional harm to the victim or damage to the victim's property;

(2) Places the victim in reasonable fear of harm or of damage to the victim's property;

(3) Creates a hostile environment at school for the victim;

(4) Infringes on the rights of the victim at school; or

(5) Materially and substantially disrupts the education process or the orderly operation of a school.

“Bullying” includes cyberbullying.

B. “Cyberbullying” means bullying through the use of technology or any electronic communication, including, but not limited to, a transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted by the use of any

electronic device, including, but not limited to, a computer, telephone, cellular telephone, text messaging device and personal digital assistant.

C. “Harassment” means engaging in a course of conduct with the intention to harass, torment, threaten or intimidate another person without reasonable cause.

D. “Injurious hazing” means any action or situation that recklessly or intentionally endangers the mental, emotional or physical health of any person. “Injurious hazing” includes harassment.

E. “Offensive behavior” includes bullying, cyberbullying, harassment and injurious hazing.

F. “School grounds” means property on which a school building or facility is located or property that is owned, leased or used by a school for a school-sponsored activity, function, program, instruction or training.

2. Adoption of policy. A school board shall adopt a policy that prohibits offensive behavior. The policy must include a prohibition against offensive behavior that takes place at school or on school grounds and at any school-sponsored activity or event. The policy must include a prohibition against offensive behavior that occurs at any other time or place that substantially disrupts the instructional program or operations of the school or the welfare of students or staff members. The policy must include a prohibition against use of a computer, telephone, cellular telephone, text messaging device or personal digital assistant to engage in offensive behavior, whether the use of the computer, telephone, cellular telephone, text messaging device or personal digital assistant occurs on or off school grounds. The school board shall include in the policy age-appropriate instruction on bullying prevention and shall provide a copy of the instruction to each grade, which must be incorporated into the curriculum of the school. The school board shall include in the policy a procedure for reporting offensive behavior to the local law enforcement agency and for removing any computer, telephone, cellular telephone, text messaging device and personal digital assistant used to engage in offensive behavior from school grounds. The school board shall include in the policy penalties for violation of the policy. The penalties must include, but not be limited to:

A. When the person is not associated with the school, the ejection of the person from school grounds;

B. When the person is a student, administrator or staff member, the person's suspension or expulsion or other appropriate disciplinary action; and

C. When an organization affiliated with the school authorizes injurious hazing, the rescission of permission for that organization to operate on school grounds or receive any other benefit of affiliation with the school.

3. Administrative responsibility. The school board shall assign responsibility for administering the policy to the superintendent and establish procedures for appealing the action or lack of action of the superintendent.

4. Dissemination. The school board shall clearly set forth the policy and penalties adopted and shall distribute copies of them to all students.

MARYLAND

MD. CODE ANN., EDUC. § 7-424 (2011). HARASSMENT AND INTIMIDATION; REPORTS

(a)(1) In this section the following words have the meanings indicated.

(2) “Bullying, harassment, or intimidation” means intentional conduct, including verbal, physical, or written conduct, or an intentional electronic communication, that:

(i) Creates a hostile educational environment by substantially interfering with a student's educational benefits, opportunities, or performance, or with a student's physical or psychological well-being and is:

1. Motivated by an actual or a perceived personal characteristic including race, national origin, marital status, sex, sexual orientation, gender identity, religion, ancestry, physical attributes, socioeconomic status, familial status, or physical or mental ability or disability; or

2. Threatening or seriously intimidating; and

(ii) 1. Occurs on school property, at a school activity or event, or on a school bus; or

2. Substantially disrupts the orderly operation of a school.

(3) “Electronic communication” means a communication transmitted by means of an electronic device, including a telephone, cellular phone, computer, or pager.

(b)(1) The Department shall require a county board to report incidents of bullying, harassment, or intimidation against students attending a public school under the jurisdiction of the county board.

(2) An incident of bullying, harassment, or intimidation may be reported by:

(i) A student;

(ii) The parent, guardian, or close adult relative of a student; or

(iii) A school staff member.

(c)(1) The Department shall create a standard victim of bullying, harassment, or intimidation report form.

(2) Each victim of bullying, harassment, or intimidation report form shall:

(i) Identify the victim and the alleged perpetrator, if known;

(ii) Indicate the age of the victim and alleged perpetrator;

(iii) Describe the incident, including alleged statements made by the alleged perpetrator;

(iv) Indicate the location of the incident;

(v) Identify any physical injury suffered by the victim and describe the seriousness and any permanent effects of the injury;

(vi) Indicate the number of days a student is absent from school, if any, as a result of the incident;

(vii) Identify any request for psychological services initiated by the victim or the victim's family due to psychological injuries suffered; and

(viii) Include instructions on how to fill out the form and the mailing address to where the form shall be sent.

(3) A county board shall distribute copies of the victim of bullying, harassment, or intimidation report form to each public school under the county board's jurisdiction.

(d)(1) Each county board shall submit summaries of report forms filed with the county board to the State Board on or before January 31 each year.

(2) A county board shall delete any information that identifies an individual.

(e) The information contained in a victim of bullying, harassment, or intimidation report form in accordance with subsection (c) of this section:

(1) Is confidential and may not be redisclosed except as otherwise provided under the Family Education Rights and Privacy Act or this section; and

(2) May not be made a part of a student's permanent educational record.

(f)(1) The Department shall submit a report on or before March 31 each year to the Senate Education, Health, and Environmental Affairs Committee and the House Ways and Means Committee, in accordance with § 2-1246 of the State Government Article,

consisting of a summary of the information included in the victim of bullying, harassment, or intimidation report forms filed with the county boards the previous year.

(2) The report submitted by the Department shall include, to the extent feasible:

- (i) A description of the act constituting the bullying, harassment, or intimidation;
- (ii) The age of the victim and alleged perpetrator;
- (iii) The allegation of the alleged perpetrator's motive;
- (iv) A description of the investigation of the complaint and any corrective action taken by the appropriate school authorities;
- (v) The number of days a student is absent from school, if any, as a result of the incident; and
- (vi) The number of false allegations reported.

MD. CODE ANN., EDUC. § 7-424.1 (2011). MODEL POLICY PROHIBITING BULLYING, HARASSMENT, OR INTIMIDATION

(a)(1) In this section the following words have the meanings indicated.

(2) “Bullying, harassment, or intimidation” means intentional conduct, including verbal, physical, or written conduct, or an intentional electronic communication, that:

(i) Creates a hostile educational environment by substantially interfering with a student's educational benefits, opportunities, or performance, or with a student's physical or psychological well-being and is:

1. Motivated by an actual or a perceived personal characteristic including race, national origin, marital status, sex, sexual orientation, gender identity, religion, ancestry, physical attribute, socioeconomic status, familial status, or physical or mental ability or disability; or

2. Threatening or seriously intimidating; and

(ii) 1. Occurs on school property, at a school activity or event, or on a school bus; or

2. Substantially disrupts the orderly operation of a school.

(3) “Electronic communication” means a communication transmitted by means of an electronic device, including a telephone, cellular phone, computer, or pager.

(b)(1) By March 31, 2009, the State Board, after consultation with and input from local school systems, shall develop a model policy prohibiting bullying, harassment, or intimidation in schools.

(2) The model policy developed under paragraph (1) of this subsection shall include:

- (i) A statement prohibiting bullying, harassment, and intimidation in schools;
- (ii) A statement prohibiting reprisal or retaliation against individuals who report acts of bullying, harassment, or intimidation;
- (iii) A definition of bullying, harassment, or intimidation that is either the same as set forth in subsection (a)(2) of this section or a definition that is not less inclusive than that definition;
- (iv) Standard consequences and remedial actions for persons committing acts of bullying, harassment, or intimidation and for persons engaged in reprisal or retaliation;
- (v) Standard consequences and remedial actions for persons found to have made false accusations;
- (vi) Model procedures for reporting acts of bullying, harassment, and intimidation;
- (vii) Model procedures for the prompt investigation of acts of bullying, harassment, and intimidation;
- (viii) Information about the types of support services available to the student bully, victim, and any bystanders; and
- (ix) Information regarding the availability and use of the bullying, harassment, or intimidation form under § 7-424 of this subtitle.

(c)(1) Each county board shall establish a policy prohibiting bullying, harassment, or intimidation at school based on the model policy.

(2) The policy shall address the components of the model policy specified in subsection (b)(2) of this section.

(3) A county board shall develop the policy in consultation with representatives of the following groups:

- (i) Parents or guardians of students;
- (ii) School employees and administrators;
- (iii) School volunteers;

(iv) Students; and

(v) Members of the community.

(d) Each county board shall publicize its policy in student handbooks, school system websites, and any other location or venue the county board determines is necessary or appropriate.

(e) Each county board policy shall include information on the procedure for reporting incidents of bullying, harassment, or intimidation, including:

(1) A chain of command in the reporting process; and

(2) The name and contact information for an employee of the Department, designated by the Department, who is familiar with the reporting and investigation procedures in the applicable school system.

(f) Each county board shall submit its policy to the State Superintendent by July 1, 2009.

(g) Each county board shall develop the following educational programs in its efforts to prevent bullying, harassment, and intimidation in schools:

(1) An educational bullying, harassment, and intimidation prevention program for students, staff, volunteers, and parents; and

(2) A teacher and administrator development program that trains teachers and administrators to implement the policy.

(h)(1) A school employee who reports an act of bullying, harassment, or intimidation under this section in accordance with the county board's policy established under subsection (c) of this section is not civilly liable for any act or omission in reporting or failing to report an act of bullying, harassment, or intimidation under this section.

(2) The provisions of this section may not be construed to limit the legal rights of a victim of bullying, harassment, or intimidation.

THE FOLLOWING BILL HAS NOT BEEN ENACTED AND IS CURRENTLY NOT THE LAW OF MARYLAND. H.D. 812/S. 617, 2011 LEG., 428TH SESS. (MD. 2011). PUBLIC SCHOOLS - DATING VIOLENCE - POLICY AND DISCIPLINARY STANDARDS

Bill Status: Passed House. Unfavorable Report by Senate Committee on Education Health and Environmental Affairs on 04/07/2011

AN ACT concerning

Public Schools - Dating Violence - Policy and Disciplinary Standards

FOR the purpose of adding dating violence to provisions of law requiring the reporting of incidents of certain other conduct by a county board of education; altering the content of a certain form and report, policies, and educational programs to include incidents of dating violence; requiring the State Board of Education to develop, by a certain date, a certain model policy that includes a prohibition on dating violence; **altering the date by which each county board is required to submit a certain policy to the State Superintendent of Schools**; altering certain provisions of law granting certain immunity to certain school employees; altering certain provisions of law relating to the legal rights of certain victims; defining certain terms; and generally relating to dating violence in the public schools.

BY repealing and reenacting, with amendments,

Article - Education

Section 7-424 and 7-424.1

Annotated Code of Maryland

(2008 Replacement Volume and 2010 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article - Education

7-424.

(a) (1) In this section the following words have the meanings indicated.

(2) “Bullying, harassment, or intimidation” means intentional conduct, including verbal, physical, or written conduct, or an intentional electronic communication, that:

(i) Creates a hostile educational environment by substantially interfering with a student's educational benefits, opportunities, or performance, or with a student's physical or psychological well-being and is:

1. Motivated by an actual or a perceived personal characteristic including race, national origin, marital status, sex, sexual orientation, gender identity, religion, ancestry, physical attributes, socioeconomic status, familial status, or physical or mental ability or disability;
or

2. Threatening or seriously intimidating; and

(ii) 1. Occurs on school property, at a school activity or event, or on a school bus; or

2. Substantially disrupts the orderly operation of a school.

(3) “DATING PARTNER” MEANS ANY PERSON, REGARDLESS OF GENDER, INVOLVED IN AN INTIMATE RELATIONSHIP WITH ANOTHER THAT IS PRIMARILY CHARACTERIZED BY THE EXPECTATION OF AFFECTIONATE INVOLVEMENT, WHETHER CASUAL, SERIOUS, OR LONG-TERM.

(4) “DATING VIOLENCE” MEANS A PATTERN OF BEHAVIOR IN WHICH ONE PERSON USES THE THREATS OF, OR ACTUALLY USES, PHYSICAL, SEXUAL, VERBAL, OR EMOTIONAL ABUSE TO CONTROL THE PERSON'S DATING PARTNER.

~~{(3)}~~ **(5)** “Electronic communication” means a communication transmitted by means of an electronic device, including a telephone, cellular phone, computer, or pager.

(b) (1) The Department shall require a county board to report incidents of bullying, **DATING VIOLENCE**, harassment, or intimidation against students attending a public school under the jurisdiction of the county board.

(2) An incident of bullying, **DATING VIOLENCE**, harassment, or intimidation may be reported by:

- (i) A student;
- (ii) The parent, guardian, or close adult relative of a student; or
- (iii) A school staff member.

(c) (1) The Department shall create a standard victim of bullying, **DATING VIOLENCE**, harassment, or intimidation report form.

(2) Each victim of bullying, **DATING VIOLENCE**, harassment, or intimidation report form shall:

- (i) Identify the victim and the alleged perpetrator, if known;
- (ii) Indicate the age of the victim and alleged perpetrator;
- (iii) Describe the incident, including alleged statements made by the alleged perpetrator;
- (iv) Indicate the location of the incident;
- (v) Identify any physical injury suffered by the victim and describe the seriousness and any permanent effects of the injury;
- (vi) Indicate the number of days a student is absent from school, if any, as a result of the incident;
- (vii) Identify any request for psychological services initiated by the victim or the victim's family due to psychological injuries suffered; and

(viii) Include instructions on how to fill out the form and the mailing address to where the form shall be sent.

(3) A county board shall distribute copies of the victim of bullying, **DATING VIOLENCE**, harassment, or intimidation report form to each public school under the county board's jurisdiction.

(d) (1) Each county board shall submit summaries of report forms filed with the county board to the State Board on or before January 31 each year.

(2) A county board shall delete any information that identifies an individual.

(e) The information contained in a victim of bullying, **DATING VIOLENCE**, harassment, or intimidation report form in accordance with subsection (c) of this section:

(1) Is confidential and may not be redisclosed except as otherwise provided under the Family Education Rights and Privacy Act or this section; and

(2) May not be made a part of a student's permanent educational record.

(f) (1) The Department shall submit a report on or before March 31 each year to the Senate Education, Health, and Environmental Affairs Committee and the House Ways and Means Committee, in accordance with § 2-1246 of the State Government Article, consisting of a summary of the information included in the victim of bullying, **DATING VIOLENCE**, harassment, or intimidation report forms filed with the county boards the previous year.

(2) The report submitted by the Department shall include, to the extent feasible:

(i) A description of the act constituting the bullying, **DATING VIOLENCE**, harassment, or intimidation;

(ii) The age of the victim and alleged perpetrator;

(iii) The allegation of the alleged perpetrator's motive;

(iv) A description of the investigation of the complaint and any corrective action taken by the appropriate school authorities;

(v) The number of days a student is absent from school, if any, as a result of the incident; and

(vi) The number of false allegations reported.

7-424.1.

(a) (1) In this section the following words have the meanings indicated.

(2) “Bullying, **DATING VIOLENCE**, harassment, or intimidation” means intentional conduct, including verbal, physical, or written conduct, or an intentional electronic communication, that:

(i) Creates a hostile educational environment by substantially interfering with a student's educational benefits, opportunities, or performance, or with a student's physical or psychological well-being and is:

1. Motivated by an actual or a perceived personal characteristic including race, national origin, marital status, sex, sexual orientation, gender identity, religion, ancestry, physical attribute, socioeconomic status, familial status, or physical or mental ability or disability; or

2. Threatening or seriously intimidating; and

(ii) 1. Occurs on school property, at a school activity or event, or on a school bus; or

2. Substantially disrupts the orderly operation of a school.

(3) “DATING PARTNER” MEANS ANY PERSON, REGARDLESS OF GENDER, INVOLVED IN AN INTIMATE RELATIONSHIP WITH ANOTHER THAT IS PRIMARILY CHARACTERIZED BY THE EXPECTATION OF AFFECTIONATE INVOLVEMENT, WHETHER CASUAL, SERIOUS, OR LONG-TERM.

(4) “DATING VIOLENCE” MEANS A PATTERN OF BEHAVIOR IN WHICH ONE PERSON USES THE THREATS OF, OR ACTUALLY USES, PHYSICAL, SEXUAL, VERBAL, OR EMOTIONAL ABUSE TO CONTROL THE PERSON'S DATING PARTNER.

~~{(3)}~~ **(5)** “Electronic communication” means a communication transmitted by means of an electronic device, including a telephone, cellular phone, computer, or pager.

(b) (1) By March 31, ~~{2009}~~ **2012**, the State Board, after consultation with and input from local school systems, shall develop a model policy prohibiting bullying, **DATING VIOLENCE**, harassment, or intimidation in schools.

(2) The model policy developed under paragraph (1) of this subsection shall include:

(i) A statement prohibiting bullying, **DATING VIOLENCE**, harassment, and intimidation in schools;

(ii) A statement prohibiting reprisal or retaliation against individuals who report acts of bullying, **DATING VIOLENCE**, harassment, or intimidation;

(iii) A definition of bullying, **DATING VIOLENCE**, harassment, or intimidation that is either the same as set forth in subsection (a)(2) of this section or a definition that is not less inclusive than that definition;

(iv) Standard consequences and remedial actions for persons committing acts of bullying, **DATING VIOLENCE**, harassment, or intimidation and for persons engaged in reprisal or retaliation;

(v) Standard consequences and remedial actions for persons found to have made false accusations;

(vi) Model procedures for reporting acts of bullying, **DATING VIOLENCE**, harassment, and intimidation;

(vii) Model procedures for the prompt investigation of acts of bullying, **DATING VIOLENCE**, harassment, and intimidation;

(viii) Information about the types of support services available to the student bully, victim, and any bystanders; and

(ix) Information regarding the availability and use of the bullying, **DATING VIOLENCE**, harassment, or intimidation form under § 7-424 of this subtitle.

(c) (1) Each county board shall establish a policy prohibiting bullying, **DATING VIOLENCE**, harassment, or intimidation at school based on the model policy.

(2) The policy shall address the components of the model policy specified in subsection (b)(2) of this section.

(3) A county board shall develop the policy in consultation with representatives of the following groups:

(i) Parents or guardians of students;

(ii) School employees and administrators;

(iii) School volunteers;

(iv) Students; and

(v) Members of the community.

(d) Each county board shall publicize its policy in student handbooks, school system websites, and any other location or venue the county board determines is necessary or appropriate.

(e) Each county board policy shall include information on the procedure for reporting incidents of bullying, **DATING VIOLENCE**, harassment, or intimidation, including:

(1) A chain of command in the reporting process; and

(2) The name and contact information for an employee of the Department, designated by the Department, who is familiar with the reporting and investigation procedures in the applicable school system.

(f) Each county board shall submit its policy to the State Superintendent by July 1, 2009 **2012**.

(g) Each county board shall develop the following educational programs in its efforts to prevent bullying, **DATING VIOLENCE**, harassment, and intimidation in schools:

(1) An educational bullying, **DATING VIOLENCE**, harassment, and intimidation prevention program for students, staff, volunteers, and parents; and

(2) A teacher and administrator development program that trains teachers and administrators to implement the policy.

(h) (1) A school employee who reports an act of bullying, **DATING VIOLENCE**, harassment, or intimidation under this section in accordance with the county board's policy established under subsection (c) of this section is not civilly liable for any act or omission in reporting or failing to report an act of bullying, **DATING VIOLENCE**, harassment, or intimidation under this section.

(2) The provisions of this section may not be construed to limit the legal rights of a victim of bullying, **DATING VIOLENCE**, harassment, or intimidation.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2011.

MASSACHUSETTS

MASS. GEN. LAWS ch. 15, § 1G (2011). ADVISORY COUNCILS TO BOARD; MEMBERSHIP; DUTIES

There shall be established advisory councils to the board in the following areas: school and district accountability and assistance; life management skills; home economics; educational personnel; fine arts education; gifted and talented education; math and science education; racial imbalance; parent and community education and involvement; special education; bilingual education; technology education; vocational-technical education; violence prevention; adult basic education; global education and comprehensive health education and human service programs.

The members of these councils shall serve without compensation but may be reimbursed subject to appropriation for expenses necessarily and reasonably incurred in the performance of their responsibilities. Each council shall be composed of members who shall be recommended by the commissioner and appointed by the board and who shall

not, by virtue of their membership, be deemed state employees under chapter two hundred and sixty-eight A. Members shall be appointed for a term of three years. No member shall serve for more than two consecutive terms. The members serving on such councils may be school committee members, school superintendents, professional educators, parents or students. A reasonable balance of members representing business, labor, civic, educational, parental and professional groups shall be maintained. Members serving on such councils shall represent a reasonable geographic balance.

The members of the advisory council on school and district accountability and assistance shall consist of 15 members: 1 of whom shall be selected from a list of 3 nominees offered by the Massachusetts Association of School Superintendents, 1 of whom shall be selected from a list of 3 nominees offered jointly by the Massachusetts Teachers Association and the American Federation of Teachers of Massachusetts, 1 of whom shall be selected from a list of 3 nominees offered by the Massachusetts Secondary School Administrators' Association, 1 of whom shall be selected from a list of 3 nominees offered by the Massachusetts Elementary School Principals' Association, 1 of whom shall be selected from a list of 3 nominees offered by the Massachusetts Association of School Committees, 1 of whom shall be selected from a list of 3 nominees offered by the Massachusetts Charter Public School Association, 1 of whom shall be a representative of a business or an industry with a demonstrated commitment to education and 8 of whom shall be individuals with a demonstrated record of achievement or academic expertise in: education administration; education or business finance and management; the use of student achievement data to improve instruction and administration; the conduct or use of school and district audits and evaluations; educator evaluation and professional development; or other areas of expertise in education reforms established by chapter 71 of the acts of 1993. The advisory council members shall be recommended by the commissioner and appointed by the board.

The council shall meet no less than 4 times annually to review and advise the department and board on the policies and practices of the office of school and district accountability established by section 55A of chapter 15 and the targeted assistance and intervention efforts of the department, established by chapter 69 and the accountability provisions of federal law. The council shall develop and administer, through the department, a post-audit survey to audited school districts and an annual survey to any schools and districts receiving technical assistance under said chapter 69. The council shall present its findings and recommendations to the board no less than 2 times annually. The council shall have the opportunity to review and comment on all regulations relative to the accountability and assistance program areas before board approval.

The members of the council on education personnel shall have demonstrated scholarship, creativity, or distinguished service in education, and shall be broadly representative of all areas of public education.

The members of the council on technology education shall have demonstrated scholarship or creativity in, or distinguished service to technology education, and shall be broadly represented in all areas of technology education in the comprehensive school.

The council on global education shall include the directors of each of the bay state centers for global education.

The members of the council on math and science education shall have demonstrated scholarship or creativity in, or distinguished service to science or mathematics, and shall be broadly representative of all areas of science and mathematics.

There shall be twelve voting members of the advisory council for special education, six of whom shall be parents of children with special needs. The commissioners of the departments of mental health, developmental services, public health and public welfare shall each appoint a representative to serve as ex officio members of the advisory council for special education. At all times the makeup of the advisory council for special education shall comply with requirements of federal law. There shall be twelve voting members of the advisory council for bilingual education, six of whom shall be parents of bilingual students.

The advisory council for comprehensive interdisciplinary health education and human service programs shall consist of at least fifteen, but shall not exceed thirty, members who represent school counseling professionals, health home economics educators, child and adolescent health service providers, teachers, parents, high school students, school administrators and officials, and the departments of welfare, public health, mental health, youth services, children and families, the department of early education and care, a suicide prevention specialist, a substance abuse specialist, a school age child care specialist, a youth programming expert and a member of the clergy.

The duties of the advisory council on vocational-technical education shall be performed by the state council on vocational education as constituted under federal vocational-technical education law. The state council on vocational-technical education shall also advise the board on school to work policies. The board may appoint up to three additional members to this council and such members' responsibilities shall be limited to duties required under this statute only.

The advisory council on violence prevention shall consist of twelve members, who shall include one assistant district attorney, one assistant attorney general, two teachers of public schools in the commonwealth, one duly elected member of a school committee in the commonwealth, one school district superintendent in the commonwealth, one principal of a public school in the commonwealth, one police chief and two students enrolled in secondary public schools in the commonwealth. Of the student members, at least one shall have experience with a youth violence prevention program.

The commissioner, with the approval of the board, shall appoint the chair of each council. The commissioner or his designee shall serve as the secretary to each council.

Each council shall make other programmatic recommendations as it deems necessary to fulfill the goals established by the board.

The commissioner, with the approval of the board, may establish such other advisory groups as deemed necessary to assist in developing educational plans or programs to advance the purposes of the department.

The board shall further establish a school breakfast and summer food service outreach program. Said program or elements of said program shall be operated directly through the department or contracted out.

(a) Said program shall be designed to:

(i) increase the participation of low-income children in existing school breakfast programs and secondarily to encourage other schools to start a breakfast program. The target of said program is to bring the participation level of children who qualify for free or reduced price breakfasts under federal income eligibility guidelines to at least eighty-five percent of those eligible;

(ii) increase the number of summer food service programs offered across the state, with particular emphasis on needy communities, and to ensure that at least eighty-five percent of the children eligible under federal income guidelines participate in these programs.

(b) The school breakfast related outreach program activities shall include, but not be limited to:

(i) development of an outreach campaign to promote the link between a nutritious breakfast and the ability to learn; to make the school breakfast program attractive to all children; and to create a positive picture of school as a basic source of breakfast for all income groups. The efforts should be particularly targeted toward communities with the highest need and should include outreach to linguistic minorities;

(ii) technical assistance shall be provided and technical assistance materials shall be produced including, but not be limited to, facts and guidelines on United States Department of Agriculture requirements; ideas for increasing participation; ideas for safeguarding confidentiality; ways to involve parents and other members of the community; and suggestions for creative menus; and

(iii) technical assistance shall be provided for the development of new and innovative proposals including a "school breakfast period" during existing school hours in schools in which a majority of children are program eligible, and a universal breakfast program in school systems with eighty percent of the students eligible.

(c) The summer food service related outreach program activities shall include, but not be limited to:

(i) an outreach effort to public schools, public entities and private non-profit agencies which would be eligible to provide the summer food services program. Said outreach

shall include information and incentives to encourage eligible organizations to be local sponsors or meal preparation sites for the federal summer food service program;

(ii) ongoing support and technical assistance shall be made available to existing programs year round to ensure that they continue to offer the program and to assist in increasing participation levels;

(iii) reviewing and developing training methods and materials provided however that particular attention be given to providing appropriate training for first time sponsors;

(iv) targeting communities and schools which have the highest percentage of program eligible children and establishing an order of descending priorities based on the percentage of program eligible children; provided, however, that there should be a concerted effort to outreach potential participants who are linguistic minorities; and

(v) establishing start up grants not to exceed two thousand five hundred dollars to encourage the participation of first time summer food service sites.

(d) In all activities of this school breakfast and summer food service outreach program, local communities shall be encouraged and assisted in maximizing the use of federal resources.

(e) Said school breakfast and summer food service outreach program shall work to ensure that local programs are carried out in a manner which protects the confidentiality of those children receiving subsidized meals.

(f) The commissioner shall submit a report to the clerk of the house of representatives who shall forward the same to the joint committee on education, arts and humanities on or before December thirty-first, nineteen hundred and ninety-four and on December thirty-first of each year thereafter. The report shall include, but not be limited to: the percentage of eligible children participating in school breakfast programs statewide during the previous school year; the amount of additional federal dollars brought into the state by all school breakfast and summer food service outreach program activities; the number of additional school breakfast and summer food service programs started in the preceding year; and the increase in participation in summer food services and school breakfast programs.

(g) The commissioner of education, in consultation with the chairman of the board of higher education, shall direct the global education advisory council to explore international opportunities for learning, exchange programs and the availability of curriculum materials for students, teachers, administrators and educational policy makers. Said global education advisory council shall: (a) investigate and compile information concerning international education programs and opportunities. The council shall make recommendations to the commissioner on the expansion of international education programs and opportunities and shall consider ways to encourage participation in such programs. The council shall advise the department of education and the joint committee

on education on international program opportunities and the availability of federal or nonprofit agency grants or other funding sources for such programs. The department shall provide information on international education opportunities to local and regional boards of education and to institutions of higher education; (b) develop guidelines and standards to aid local and regional school districts in the establishment of programs of international studies. Such guidelines and standards shall describe the essential components of a quality educational program incorporating international education concepts. The council shall submit such guidelines and standards to the department of education for review and approval; (c) develop criteria for what constitutes a sister school partnership program between a public school of this state and a foreign school. Such criteria shall provide a process for recognition of such partnership. The council shall submit such criteria to the department of education for review and approval; (d) advise the department of education on possible incentives to encourage the formation of partnerships that meet criteria established in accordance with the provisions of subsection (c). Such incentives may include, but need not be limited to, cooperation between sister partnership schools in teacher certification, student assessment programs and recognition of student course credit, participation in summer programs and in other areas where the state could recognize the value of the sister school partnership relationships with minimal cost; (e) conduct an assessment of current practices regarding international education in elementary and secondary public schools in the commonwealth. The global education advisory council's assessment of current practices shall include, but not be limited to, information gathering through public hearings.

MASS. GEN. LAWS ch. 71, § 37O (2011). SCHOOL BULLYING PROHIBITED; BULLYING PREVENTION PLANS

(a) As used in this section the following words shall, unless the context clearly requires otherwise, have the following meaning:-

“Approved private day or residential school”, a school that accepts, through agreement with a school committee, a child requiring special education pursuant to section 10 of chapter 71B.

“Bullying”, the repeated use by one or more students of a written, verbal or electronic expression or a physical act or gesture or any combination thereof, directed at a victim that: (i) causes physical or emotional harm to the victim or damage to the victim’s property; (ii) places the victim in reasonable fear of harm to himself or of damage to his property; (iii) creates a hostile environment at school for the victim; (iv) infringes on the rights of the victim at school; or (v) materially and substantially disrupts the education process or the orderly operation of a school. For the purposes of this section, bullying shall include cyber-bullying.

“Charter school”, commonwealth charter schools and Horace Mann charter schools established pursuant to section 89 of chapter 71.

“Cyber-bullying”, bullying through the use of technology or any electronic communication, which shall include, but shall not be limited to, any transfer of signs,

signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo electronic or photo optical system, including, but not limited to, electronic mail, internet communications, instant messages or facsimile communications. Cyber-bullying shall also include (i) the creation of a web page or blog in which the creator assumes the identity of another person or (ii) the knowing impersonation of another person as the author of posted content or messages, if the creation or impersonation creates any of the conditions enumerated in clauses (i) to (v), inclusive, of the definition of bullying. Cyber-bullying shall also include the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons, if the distribution or posting creates any of the conditions enumerated in clauses (i) to (v), inclusive, of the definition of bullying.

“Collaborative school”, a school operated by an educational collaborative established pursuant to section 4E of chapter 40.

“Department”, the department of elementary and secondary education.

“Hostile environment”, a situation in which bullying causes the school environment to be permeated with intimidation, ridicule or insult that is sufficiently severe or pervasive to alter the conditions of the student’s education.

“Plan”, a bullying prevention and intervention plan established pursuant to subsection (d).

“Perpetrator”, a student who engages in bullying or retaliation.

“School district”, the school department of a city or town, a regional school district or a county agricultural school.

“School grounds”, property on which a school building or facility is located or property that is owned, leased or used by a school district, charter school, non-public school, approved private day or residential school, or collaborative school for a school-sponsored activity, function, program, instruction or training.

“Victim”, a student against whom bullying or retaliation has been perpetrated.

(b) Bullying shall be prohibited: (i) on school grounds, property immediately adjacent to school grounds, at a school-sponsored or school-related activity, function or program whether on or off school grounds, at a school bus stop, on a school bus or other vehicle owned, leased or used by a school district or school, or through the use of technology or an electronic device owned, leased or used by a school district or school and (ii) at a location, activity, function or program that is not school-related, or through the use of technology or an electronic device that is not owned, leased or used by a school district or school, if the bullying creates a hostile environment at school for the victim, infringes on the rights of the victim at school or materially and substantially disrupts the education

process or the orderly operation of a school. Nothing contained herein shall require schools to staff any non-school related activities, functions, or programs.

Retaliation against a person who reports bullying, provides information during an investigation of bullying, or witnesses or has reliable information about bullying shall be prohibited.

(c) Each school district, charter school, approved private day or residential school and collaborative school shall provide age-appropriate instruction on bullying prevention in each grade that is incorporated into the curriculum of the school district or school. The curriculum shall be evidence-based.

(d) Each school district, charter school, non-public school, approved private day or residential school and collaborative school shall develop, adhere to and update a plan to address bullying prevention and intervention in consultation with teachers, school staff, professional support personnel, school volunteers, administrators, community representatives, local law enforcement agencies, students, parents and guardians. The consultation shall include, but not be limited to, notice and a public comment period; provided, however, that a non-public school shall only be required to give notice to and provide a comment period for families that have a child attending the school. The plan shall be updated at least biennially.

Each plan shall include, but not be limited to: (i) descriptions of and statements prohibiting bullying, cyber-bullying and retaliation; (ii) clear procedures for students, staff, parents, guardians and others to report bullying or retaliation; (iii) a provision that reports of bullying or retaliation may be made anonymously; provided, however, that no disciplinary action shall be taken against a student solely on the basis of an anonymous report; (iv) clear procedures for promptly responding to and investigating reports of bullying or retaliation; (v) the range of disciplinary actions that may be taken against a perpetrator for bullying or retaliation; provided, however, that the disciplinary actions shall balance the need for accountability with the need to teach appropriate behavior; (vi) clear procedures for restoring a sense of safety for a victim and assessing that victim's needs for protection; (vii) strategies for protecting from bullying or retaliation a person who reports bullying, provides information during an investigation of bullying or witnesses or has reliable information about an act of bullying; (viii) procedures consistent with state and federal law for promptly notifying the parents or guardians of a victim and a perpetrator; provided, further, that the parents or guardians of a victim shall also be notified of the action taken to prevent any further acts of bullying or retaliation; and provided, further, that the procedures shall provide for immediate notification pursuant to regulations promulgated under this subsection by the principal or person who holds a comparable role to the local law enforcement agency when criminal charges may be pursued against the perpetrator; (ix) a provision that a student who knowingly makes a false accusation of bullying or retaliation shall be subject to disciplinary action; and (x) a strategy for providing counseling or referral to appropriate services for perpetrators and victims and for appropriate family members of said students. The plan shall afford all students the same protection regardless of their status under the law.

A school district, charter school, non-public school, approved private day or residential school or collaborative school may establish separate discrimination or harassment policies that include categories of students. Nothing in this section shall prevent a school district, charter school, non-public school, approved private day or residential school or collaborative school from remediating any discrimination or harassment based on a person's membership in a legally protected category under local, state or federal law.

The plan for a school district, charter school, approved private day or residential school and collaborative school shall include a provision for ongoing professional development to build the skills of all staff members, including, but not limited to, educators, administrators, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extracurricular activities and paraprofessionals, to prevent, identify and respond to bullying. The content of such professional development shall include, but not be limited to: (i) developmentally appropriate strategies to prevent bullying incidents; (ii) developmentally appropriate strategies for immediate, effective interventions to stop bullying incidents; (iii) information regarding the complex interaction and power differential that can take place between and among a perpetrator, victim and witnesses to the bullying; (iv) research findings on bullying, including information about specific categories of students who have been shown to be particularly at risk for bullying in the school environment; (v) information on the incidence and nature of cyber-bullying; and (vi) internet safety issues as they relate to cyber-bullying. The department shall identify and offer information on alternative methods for fulfilling the professional development requirements of this section, at least 1 of which shall be available at no cost to school districts, charter schools, approved private day or residential schools and collaborative schools.

The plan shall include provisions for informing parents and guardians about the bullying prevention curriculum of the school district or school and shall include, but not be limited to: (i) how parents and guardians can reinforce the curriculum at home and support the school district or school plan; (ii) the dynamics of bullying; and (iii) online safety and cyber-bullying.

The department shall promulgate rules and regulations on the requirements related to a principal's duties under clause (viii) of the second paragraph of this subsection; provided, that school districts, charter schools, approved private day or residential schools and collaborative schools shall be subject to the regulations. A non-public school shall develop procedures for immediate notification by the principal or person who holds a comparable role to the local law enforcement agency when criminal charges may be pursued against the perpetrator.

(e)(1) Each school district, charter school, non-public school, approved private day or residential school and collaborative school shall provide to students and parents or guardians, in age-appropriate terms and in the languages which are most prevalent among the students, parents or guardians, annual written notice of the relevant student-related sections of the plan.

(2) Each school district, charter school, non-public school, approved private day or residential school and collaborative school shall provide to all school staff annual written notice of the plan. The faculty and staff at each school shall be trained annually on the plan applicable to the school. Relevant sections of the plan relating to the duties of faculty and staff shall be included in a school district or school employee handbook.

(3) The plan shall be posted on the website of each school district, charter school, non-public school, approved private day or residential school and collaborative school.

(f) Each school principal or the person who holds a comparable position shall be responsible for the implementation and oversight of the plan at his school.

(g) A member of a school staff, including, but not limited to, an educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity or paraprofessional, shall immediately report any instance of bullying or retaliation the staff member has witnessed or become aware of to the principal or to the school official identified in the plan as responsible for receiving such reports or both. Upon receipt of such a report, the school principal or a designee shall promptly conduct an investigation. If the school principal or a designee determines that bullying or retaliation has occurred, the school principal or designee shall (i) notify the local law enforcement agency if the school principal or designee believes that criminal charges may be pursued against a perpetrator; (ii) take appropriate disciplinary action; (iii) notify the parents or guardians of a perpetrator; and (iv) notify the parents or guardians of the victim, and to the extent consistent with state and federal law, notify them of the action taken to prevent any further acts of bullying or retaliation.

(h) If an incident of bullying or retaliation involves students from more than one school district, charter school, non-public school, approved private day or residential school or collaborative school, the school district or school first informed of the bullying or retaliation shall, consistent with state and federal law, promptly notify the appropriate administrator of the other school district or school so that both may take appropriate action. If an incident of bullying or retaliation occurs on school grounds and involves a former student under the age of 21 who is no longer enrolled in a local school district, charter school, non-public school, approved private day or residential school or collaborative school, the school district or school informed of the bullying or retaliation shall contact law enforcement consistent with the provisions of clause (viii) of the second paragraph of subsection (d).

(i) Nothing in this section shall supersede or replace existing rights or remedies under any other general or special law, nor shall this section create a private right of action.

(j) The department, after consultation with the department of public health, the department of mental health, the attorney general, the Massachusetts District Attorneys Association and experts on bullying shall: (i) publish a model plan for school districts and schools to consider when creating their plans; and (ii) compile a list of bullying

prevention and intervention resources, evidence-based curricula, best practices and academic-based research that shall be made available to schools. The model plan shall be consistent with the behavioral health and public schools framework developed by the department in accordance with section 19 of chapter 321 of the acts of 2008. The resources may include, but shall not be limited to, print, audio, video or digital media; subscription based online services; and on-site or technology-enabled professional development and training sessions. The department shall biennially update the model plan and the list of the resources, curricula, best practices and research and shall post them on its website.

MICHIGAN

THE FOLLOWING BILL HAS NOT BEEN ENACTED AND IS CURRENTLY NOT THE LAW OF MICHIGAN. H.R. 4237/S. 147, 96TH LEG., REG. SESS. (MICH. 2011). A BILL TO AMEND 1976 PA 451, ENTITLED “THE REVISED SCHOOL CODE,” (MCL 380.1 TO 380.1852) BY ADDING SECTION 1310B.

Bill Status: In House Committee on Education as of 03/08/2011; In Senate Committee on Education as of 02/16/2011

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 1310b. (1) Not later than 6 months after the effective date of this section, the board of a school district or intermediate school district or board of directors of a public school academy shall adopt and implement a policy prohibiting harassment, intimidation, bullying, or cyberbullying at school, as defined in this section.

(2) The board of a school district or intermediate school district or board of directors of a public school academy shall require all teachers hired after adoption and implementation of its policy under subsection (1) to sign a statement acknowledging that he or she has read and is familiar with the policy.

(3) The board of a school district or intermediate school district or board of directors of a public school academy shall include in its technology terms of use policies and agreements language that prohibits harassment, intimidation, bullying, or cyberbullying, and shall require pupils and their parents to sign these agreements in order to use district or public school academy technology.

(4) As used in this section:

(a) “At school” means in a classroom, elsewhere on or immediately adjacent to school premises, on a school bus or other school-related vehicle, at an official school bus stop, on a pupil’s way to or from school, or at a school-sponsored activity or event whether or not it is held on school premises. At school includes conduct using a telecommunications access device or telecommunications service provider that occurs off school premises if the telecommunications access device or the

telecommunications service provider is owned by or under the control of the school district or public school academy.

(b) “Electronic communication” means any communication through a telecommunications access device or other electronic device, including, but not limited to a telephone, cellular phone, computer, or pager, which communication includes but is not limited to electronic mail, instant messaging, text messages, blogs, mobile telephones, pagers, online games, and websites.

(c) “Harassment, intimidation, bullying, or cyberbullying” means any written, verbal, or physical act, or any electronic communication including, but not limited to, an act or electronic communication shown to be motivated by a pupil's actual or perceived race, color, religion, national origin, ancestry or ethnicity, sexual orientation, physical, mental, emotional, or learning disability, gender, gender identity and expression, or other distinguishing personal characteristic, or based on association with any person with 1 or more of these actual or perceived distinguishing personal characteristics, if the written, verbal, or physical act or electronic communication is intended to meet 1 or more of the following:

(i) To physically harm a pupil or damage the pupil's property.

(ii) To substantially interfere with a pupil's educational opportunities.

(iii) To be so severe, persistent, or pervasive that it creates an intimidating or threatening educational environment.

(iv) To substantially disrupt the orderly operation of the school.

(d) “Telecommunications access device” and “telecommunications service provider” mean those terms as defined in section 219a of the Michigan penal code, 1931 PA 328, MCL 750.219a.

THE FOLLOWING BILL HAS NOT BEEN ENACTED AND IS CURRENTLY NOT THE LAW OF MICHIGAN. S. 45, 96TH LEG., REG. SESS. (MICH. 2011).

MATT'S SAFE SCHOOL LAW

Bill Status: In Senate Committee on Judiciary as of 03/24/2011

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 1310b. (1) The board of a school district or board of directors of a public school academy shall adopt a policy prohibiting harassment or bullying at school. The content of the policy shall be determined locally, but the policy shall contain at least the components in subsection (2). The policy should be adopted through a process that includes representation of parents or guardians, school employees, volunteers, pupils, school administrators, and community representatives.

(2) Each school district's or public school academy's policy shall include at least each of the following components:

- (a) A statement prohibiting harassment or bullying of a pupil.
- (b) A definition of harassment or bullying that includes at least the acts described in the definition in this section.
- (c) A description of the type of behavior expected from each pupil.
- (d) Age-appropriate consequences and remedial action for a person who violates the policy.
- (e) A procedure for reporting an act of harassment or bullying, including a provision that permits a person to report an act of harassment or bullying anonymously. However, this subdivision shall not be construed to permit formal disciplinary action solely on the basis of an anonymous report.
- (f) A procedure for prompt investigation of reports of violations and complaints, identifying either the principal or the principal's designee as the person responsible for the investigation. The policy shall require the investigation to be completed within 3 school days after a report or complaint is made.
- (g) The range of ways in which a school will respond once an incident of harassment or bullying is identified. The responses shall be commensurate with the severity of the incident and with the offender's record of behavior. The range of responses shall include reporting criminal activity to appropriate law enforcement officers. If action is taken against a pupil in response to an incident, school officials shall include a description of the incident and of the action taken in the pupils' permanent disciplinary record.
- (h) A statement that prohibits reprisal or retaliation against any person who reports an act of harassment or bullying and the consequences and appropriate remedial action for a person who engages in that type of reprisal or retaliation.
- (i) Consequences and appropriate remedial action for a person found to have falsely accused another of harassment or bullying.
- (j) A statement of how the policy is to be publicized, both initially and on an ongoing basis.
- (k) Provisions encouraging individuals to report incidents of harassment or bullying to the appropriate school official designated in the policy.
- (l) A requirement that a school employee who has witnessed an incident of harassment or bullying or who has reliable information that an incident of harassment or bullying has occurred shall report the incident to the principal or his or her designee.

(3) Each board or board of directors shall adopt the policy under this section by December 31, 2011. Not later than 30 days after adopting the policy, the board or board of directors shall submit a copy of its policy to the department.

(4) To assist school districts and public school academies in developing policies for the prevention of harassment or bullying, the department shall develop a model policy applicable to grades K- 12. The department shall issue this model policy no later than June 1, 2011.

(5) The department shall develop appropriate procedures for investigating, reporting, and responding to violations of this section by a school district or public school.

(6) A board or board of directors shall ensure that notice of the school district's or public school academy's policy under this section is included in any publication of the school district or public school academy that sets forth the comprehensive rules, procedures, and standards of conduct for its schools, and in its pupil handbooks.

(7) A school employee who promptly reports an incident of harassment or bullying to the appropriate school official designated by the school district's or public school academy's policy, and who makes this report in compliance with the procedures in the policy prohibiting harassment or bullying is not liable for damages arising from any failure to remedy the reported incident.

(8) Public schools and school districts are encouraged to form bullying prevention task forces, programs, and other initiatives involving school staff, pupils, administrators, volunteers, parents, law enforcement, and community members, to assist in the implementation of this section.

(9) Each school district or public school academy shall do all of the following:

(a) Provide annual training on the school district's or public school academy's harassment or bullying policies to school employees and volunteers who have significant contact with pupils.

(b) Develop a process for discussing harassment or bullying and the harassment or bullying policy with pupils.

(10) A school district or public school academy shall incorporate information regarding the school district or public school academy policy against harassment or bullying into each school's employee training program.

(11) This section does not prevent a victim from seeking redress under any other available law, either civil or criminal. This section does not create or alter any tort liability.

(12) The department shall establish a form and procedure for school districts and public school academies to report incidents of harassment or bullying to the department on an annual basis and shall make this information readily available to the public.

(13) If an investigation under this section results in a report to a law enforcement agency, the law enforcement agency shall initiate its investigation within 3 days after the report is made.

(14) Upon request by a law enforcement agency investigating a report or complaint under this section, a school district or public school academy shall provide to the law enforcement agency directory information concerning its pupils.

(15) As used in this section:

(a) "At school" means in a classroom, elsewhere on or immediately adjacent to school premises, on a school bus or other school-related vehicle, at an official school bus stop, on a pupil's way to or from school, or at a school-sponsored activity or event whether or not it is held on school premises. "At school" includes conduct using a telecommunications access device or telecommunications service provider that occurs off school premises if the telecommunications access device or the telecommunications service provider is owned by or under the control of the school district or public school academy.

(b) "Bullying" means conduct, including, but not limited to, conduct in person or using a telecommunications access device, that meets all of the following:

(i) Is directed at 1 or more pupils.

(ii) Substantially interferes with educational opportunities, benefits, or programs of 1 or more pupils.

(iii) Adversely affects the ability of a pupil to participate in or benefit from the school district's or public school's educational programs or activities by placing the pupil in reasonable fear of physical harm or by causing emotional distress.

(iv) Is based on a pupil's actual or perceived religion, race, color, national origin, age, sex, sexual orientation, disability, height, weight, gender identity, socioeconomic status, or any other distinguishing characteristic or is based on association with another person who has or is perceived to have any of these characteristics.

(c) "Harassment" means conduct, including, but not limited to, conduct in person or using a telecommunications access device, that meets all of the following:

(i) Is directed at 1 or more pupils.

(ii) Substantially interferes with educational opportunities, benefits, or programs of 1 or more pupils.

(iii) Adversely affects the ability of a pupil to participate in or benefit from the school district's or public school's educational programs or activities because the conduct as reasonably perceived by the pupil is so severe, pervasive, and objectively offensive as to have this effect.

(iv) Is based on a pupil's actual or perceived religion, race, color, national origin, age, sex, sexual orientation, disability, height, weight, gender identity, socioeconomic status, or any other distinguishing characteristic or is based on association with another person who has or is perceived to have any of these characteristics.

(d) "Telecommunications access device" and "telecommunications service provider" mean those terms as defined in section 219a of the Michigan penal code, 1931 PA 328, MCL 750.219a.

(16) This section shall be known as "Matt's safe school law".

MINNESOTA

MINN. STAT. § 121A.0695 (2011). SCHOOL BOARD POLICY; PROHIBITING INTIMIDATION AND BULLYING

Each school board shall adopt a written policy prohibiting intimidation and bullying of any student. The policy shall address intimidation and bullying in all forms, including, but not limited to, electronic forms and forms involving Internet use.

MISSISSIPPI

MISS. CODE ANN. § 37-11-67 (2011). BULLYING; DEFINITIONS; PROHIBITION; REPORTING

(1) As used in this act, "bullying or harassing behavior" is any pattern of gestures or written, electronic or verbal communications, or any physical act or any threatening communication, or any act reasonably perceived as being motivated by any actual or perceived differentiating characteristic, that takes place on school property, at any school-sponsored function, or on a school bus, and that:

(a) Places a student or school employee in actual and reasonable fear of harm to his or her person or damage to his or her property; or

(b) Creates or is certain to create a hostile environment by substantially interfering with or impairing a student's educational performance, opportunities or benefits. For purposes of this section, "hostile environment" means that the victim subjectively views the conduct as bullying or harassing behavior and the conduct is objectively severe or

pervasive enough that a reasonable person would agree that it is bullying or harassing behavior.

(2) No student or school employee shall be subjected to bullying or harassing behavior by school employees or students.

(3) No person shall engage in any act of reprisal or retaliation against a victim, witness or a person with reliable information about an act of bullying or harassing behavior.

(4) A school employee who has witnessed or has reliable information that a student or school employee has been subject to any act of bullying or harassing behavior shall report the incident to the appropriate school official.

(5) A student or volunteer who has witnessed or has reliable information that a student or school employee has been subject to any act of bullying or harassing behavior should report the incident to the appropriate school official.

MISS. CODE ANN. § 37-11-69 (2011). ANTI-BULLYING POLICY REQUIREMENT

Before December 31, 2010, each local school district shall include in its personnel policies, discipline policies and code of student conduct a prohibition against bullying or harassing behavior and adopt procedures for reporting, investigating and addressing such behavior. The policies must recognize the fundamental right of every student to take reasonable actions as may be necessary to defend himself or herself from an attack by another student who has evidenced menacing or threatening behavior through bullying or harassing.

MISSOURI

MO. REV. STAT. §160.775 (2011). ANTI-BULLYING POLICY REQUIRED-- DEFINITION--REQUIREMENTS

1. Every district shall adopt an antibullying policy by September 1, 2007.
2. "Bullying" means intimidation or harassment that causes a reasonable student to fear for his or her physical safety or property. Bullying may consist of physical actions, including gestures, or oral, cyberbullying, electronic, or written communication, and any threat of retaliation for reporting of such acts.
3. Each district's antibullying policy shall be founded on the assumption that all students need a safe learning environment. Policies shall treat students equally and shall not contain specific lists of protected classes of students who are to receive special treatment. Policies may include age appropriate differences for schools based on the grade levels at the school. Each such policy shall contain a statement of the consequences of bullying.

4. Each district's antibullying policy shall require district employees to report any instance of bullying of which the employee has firsthand knowledge. The district policy shall address training of employees in the requirements of the district policy.

THE FOLLOWING BILL HAS NOT BEEN ENACTED AND IS CURRENTLY NOT THE LAW OF MISSOURI. S. 147, 96TH GEN. ASSEM., 1ST REG. SESS. (MO. 2011). MODIFIES PROVISIONS RELATING TO EDUCATION

Bill Status: Passed Senate. House Elementary and Secondary Education Committee Reported Do Pass; In House Rules Committee as of 04/28/2011

Sections repealed and enacted in lieu thereof to read as follows:

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160.775. 1. Every district shall adopt an antibullying policy by September 1, 2007.

2. "Bullying" means **discrimination**, intimidation, or harassment that causes a reasonable student to fear for his or her physical safety or property; **substantially interferes with the educational performance, opportunities, or benefits of any student without exception; or substantially disrupts the orderly operation of the school.** Bullying may consist of physical actions, including gestures, or oral, cyberbullying, electronic, or written communication, and any threat of retaliation for reporting of such acts. **Bullying is prohibited by students on school property, at any school function, or on a school bus. "Cyberbullying" is the transmission of a bullying communication, including, but not limited to, a message, text, sound, or image by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager.**

3. Each district's antibullying policy shall be founded on the assumption that all students need a safe learning environment. Policies shall treat **all** students equally ~~and shall not contain specific lists of protected classes of students who are to receive special treatment~~. Policies may include age-appropriate differences for schools based on the grade levels at the school. Each such policy shall contain a statement of the consequences of bullying.

4. Each district's antibullying policy shall require, **at a minimum, the following components:**

(1) A statement prohibiting bullying, defined no less inclusive than that in subsection 1 of this section;

(2) A statement requiring district employees **and district students** to report any instance of bullying of which the employee **or student** has firsthand knowledge. ~~The district policy shall address training of employees in the requirements of the district policy.~~ **, has observed, or has been involved in. The policy shall be included in the student handbook. The school district administration shall notify the parents or legal guardians of the individual alleged in the report to be responsible for the**

bullying incident and the parents or legal guardians of the target of the bullying incident;

(3) A procedure for reporting an act of bullying, including a provision that permits a person to report an act of discrimination, harassment, intimidation, or bullying anonymously. However, this shall not be construed to permit formal disciplinary action solely on the basis of an anonymous report;

(4) A procedure for prompt investigation of reports of serious violations and complaints, identifying either the principal or the principal's certified staff designee as the person responsible for the investigation;

(5) The range of ways in which a school will respond once an incident of bullying is confirmed;

(6) A statement that prohibits reprisal or retaliation against any person who reports an act of bullying and the consequence and appropriate remedial action for a person who engages in reprisal or retaliation;

(7) A statement of how the policy is to be publicized;

(8) A process for discussing the district's antibullying policy with students and training school employees and volunteers who have significant contact with students in the requirements of the policy, including at a minimum the following statements:

(a) The policy shall be conspicuously posted throughout each school building in areas accessible to students and staff members;

(b) The school district annually shall provide information and any appropriate training to the school district staff regarding the policy;

(c) The school district shall give annual notice of the policy to students, parents or guardians, and staff;

(d) The school district shall provide education and information to students regarding bullying, including information regarding the school district policy prohibiting bullying, the harmful effects of bullying, and other applicable initiatives to prevent bullying;

(e) The administration of the school district shall implement programs and other initiatives to prevent bullying, to respond to such conduct in a manner that does not stigmatize the victim, and to make resources or referrals available to victims of bullying;

(f) The policy shall be reviewed at least annually for compliance with state and federal law.

5. Any student alleging to be the target of an incident of bullying who has completed all procedures required by the district's reporting policy and continues to be subjected to bullying shall be informed by the district that he or she may seek other remedies. The information may include but not be limited to informing the target or the target's parents or legal guardians of the possibility of civil action against the individual alleged to be responsible for the bullying and against the parents or legal guardians of that individual. The target and his or her parents shall also be informed that they may request intervention by any other county, state, or federal agency or office that is empowered to act on behalf of the target.

6. The state board of education is authorized to promulgate rules and regulations to implement this section and shall develop model policies to assist local school districts in developing policies for the prevention of bullying no later than September 1, 2012. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2011, shall be invalid and void.

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MONTANA

NEBRASKA

NEB. REV. STAT. ANN. § 79-267 (2010). 79-267. STUDENT CONDUCT CONSTITUTING GROUNDS FOR LONG-TERM SUSPENSION, EXPULSION, OR MANDATORY REASSIGNMENT; ENUMERATED; ALTERNATIVES FOR TRUANT OR TARDY STUDENTS

The following student conduct shall constitute grounds for long-term suspension, expulsion, or mandatory reassignment, subject to the procedural provisions of the Student Discipline Act, when such activity occurs on school grounds, in a vehicle owned, leased, or contracted by a school being used for a school purpose or in a vehicle being driven for a school purpose by a school employee or by his or her designee, or at a school-sponsored activity or athletic event:

(1) Use of violence, force, coercion, threat, intimidation, or similar conduct in a manner that constitutes a substantial interference with school purposes;

- (2) Willfully causing or attempting to cause substantial damage to property, stealing or attempting to steal property of substantial value, or repeated damage or theft involving property;
- (3) Causing or attempting to cause personal injury to a school employee, to a school volunteer, or to any student. Personal injury caused by accident, self-defense, or other action undertaken on the reasonable belief that it was necessary to protect some other person shall not constitute a violation of this subdivision;
- (4) Threatening or intimidating any student for the purpose of or with the intent of obtaining money or anything of value from such student;
- (5) Knowingly possessing, handling, or transmitting any object or material that is ordinarily or generally considered a weapon;
- (6) Engaging in the unlawful possession, selling, dispensing, or use of a controlled substance or an imitation controlled substance, as defined in section 28-401, a substance represented to be a controlled substance, or alcoholic liquor as defined in section 53-103.02 or being under the influence of a controlled substance or alcoholic liquor;
- (7) Public indecency as defined in section 28-806, except that this subdivision shall apply only to students at least twelve years of age but less than nineteen years of age;
- (8) Engaging in bullying as defined in section 79-2,137;
- (9) Sexually assaulting or attempting to sexually assault any person if a complaint has been filed by a prosecutor in a court of competent jurisdiction alleging that the student has sexually assaulted or attempted to sexually assault any person, including sexual assaults or attempted sexual assaults which occur off school grounds not at a school function, activity, or event. For purposes of this subdivision, sexual assault means sexual assault in the first degree as defined in section 28-319, sexual assault in the second degree as defined in section 28-320, sexual assault of a child in the second or third degree as defined in section 28-320.01, or sexual assault of a child in the first degree as defined in section 28-319.01, as such sections now provide or may hereafter from time to time be amended;
- (10) Engaging in any other activity forbidden by the laws of the State of Nebraska which activity constitutes a danger to other students or interferes with school purposes; or
- (11) A repeated violation of any rules and standards validly established pursuant to section 79-262 if such violations constitute a substantial interference with school purposes.

It is the intent of the Legislature that alternatives to suspension or expulsion be imposed against a student who is truant, tardy, or otherwise absent from required school activities.

**NEB. REV. STAT. ANN. § 79-2,137 (2010). SCHOOL DISTRICT;
DEVELOPMENT AND ADOPTION OF BULLYING PREVENTION AND EDUCATION
POLICY; REVIEW**

(1) The Legislature finds and declares that:

(a) Bullying disrupts a school's ability to educate students; and

(b) Bullying threatens public safety by creating an atmosphere in which such behavior can escalate into violence.

(2) For purposes of this section, bullying means any ongoing pattern of physical, verbal, or electronic abuse on school grounds, in a vehicle owned, leased, or contracted by a school being used for a school purpose by a school employee or his or her designee, or at school-sponsored activities or school-sponsored athletic events.

(3) On or before July 1, 2009, each school district as defined in section 79-101 shall develop and adopt a policy concerning bullying prevention and education for all students.

(4) The school district shall review the policy annually.

**THE FOLLOWING BILL HAS NOT BEEN ENACTED AND IS CURRENTLY NOT
THE LAW OF NEBRASKA. L.B. 123, 102D LEG., 1ST REG. SESS. (NEB. 2011).**
**PROVIDE FOR DISCIPLINARY ACTIONS AND POLICIES RELATING TO CYBER-
BULLYING**

Bill Status: In Education Committee as of 01/10/2011

A BILL

FOR AN ACT relating to schools; to amend sections 79-283 and 79-2,137, Reissue Revised Statutes of Nebraska, and section 79-267, Revised Statutes Cumulative Supplement, 2010; to provide for disciplinary actions against students and policies relating to cyber-bullying; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 79-267, Revised Statutes Cumulative Supplement, 2010, is amended to read:

79-267 (1) The following student conduct shall constitute grounds for long-term suspension, expulsion, or mandatory reassignment, subject to the procedural provisions of the Student Discipline Act, when such activity occurs on school grounds, in a vehicle owned, leased, or contracted by a school being used for a school purpose or in a vehicle being driven for a school purpose by a school employee or by his or her designee, or at a school-sponsored activity or athletic event:

- (1) (a) Use of violence, force, coercion, threat, intimidation, or similar conduct in a manner that constitutes a substantial interference with school purposes;
- (2) (b) Willfully causing or attempting to cause substantial damage to property, stealing or attempting to steal property of substantial value, or repeated damage or theft involving property;
- (3) (c) Causing or attempting to cause personal injury to a school employee, to a school volunteer, or to any student. Personal injury caused by accident, self-defense, or other action undertaken on the reasonable belief that it was necessary to protect some other person shall not constitute a violation of this subdivision;
- (4) (d) Threatening or intimidating any student for the purpose of or with the intent of obtaining money or anything of value from such student;
- (5) (e) Knowingly possessing, handling, or transmitting any object or material that is ordinarily or generally considered a weapon;
- (6) (f) Engaging in the unlawful possession, selling, dispensing, or use of a controlled substance or an imitation controlled substance, as defined in section 28-401, a substance represented to be a controlled substance, or alcoholic liquor as defined in section 53-103.02 or being under the influence of a controlled substance or alcoholic liquor;
- (7) (g) Public indecency as defined in section 28-806, except that this subdivision shall apply only to students at least twelve years of age but less than nineteen years of age;
- (8) (h) Engaging in bullying as defined in section 79-2,137;
- (9) (i) Sexually assaulting or attempting to sexually assault any person if a complaint has been filed by a prosecutor in a court of competent jurisdiction alleging that the student has sexually assaulted or attempted to sexually assault any person, including sexual assaults or attempted sexual assaults which occur off school grounds not at a school function, activity, or event. For purposes of this subdivision, sexual assault means sexual assault in the first degree as defined in section 28-319, sexual assault in the second degree as defined in section 28-320, sexual assault of a child in the second or third degree as defined in section 28-320.01, or sexual assault of a child in the first degree as defined in section 28-319.01, as such sections now provide or may hereafter from time to time be amended;
- (10) (j) Engaging in any other activity forbidden by the laws of the State of Nebraska which activity constitutes a danger to other students or interferes with school purposes; or
- (11) (k) A repeated violation of any rules and standards validly established pursuant to section 79-262 if such violations constitute a substantial interference with school purposes.

(2) Cyber-bullying as defined in section 79-2,137 shall constitute grounds for long-term suspension, expulsion, or mandatory reassignment, subject to the procedural provisions of the Student Discipline Act, if such conduct causes or is reasonably projected to cause a substantial or material disruption of the school environment or threatens the safety and security of students or school personnel, regardless of whether such conduct occurs or is initiated on or off of school grounds.

(3) It is the intent of the Legislature that alternatives to suspension or expulsion be imposed against a student who is truant, tardy, or otherwise absent from required school activities.

Sec. 2.

Section 79-283, Reissue Revised Statutes of Nebraska, is amended to read:

79-283 (1) Written notice of the findings and recommendations of the hearing examiner and the determination of the superintendent under section 79-282 shall be made by certified or registered mail or by personal delivery to the student or the student's parent or guardian. Upon receipt of such written notice by the student, parent, or guardian, the determination of the superintendent shall take immediate effect.

(2) Except as provided in subsections (3) and (4) of this section, the expulsion of a student shall be for a period not to exceed the remainder of the semester in which it took effect unless the misconduct occurred (a) within ten school days prior to the end of the first semester, in which case the expulsion shall remain in effect through the second semester, or (b) within ten school days prior to the end of the second semester, in which case the expulsion shall remain in effect for summer school and the first semester of the following school year subject to the provisions of subsection (5) of this section. Such action may be modified or terminated by the school district at any time during the expulsion period.

(3) The expulsion of a student for (a) the knowing and intentional use of force in causing or attempting to cause personal injury to a school employee, school volunteer, or student except as provided in subdivision (3) (1)(c) of section 79-267 or (b) the knowing and intentional possession, use, or transmission of a dangerous weapon, other than a firearm, shall be for a period not to exceed the remainder of the school year in which it took effect if the misconduct occurs during the first semester. If the expulsion takes place during the second semester, the expulsion shall remain in effect for summer school and may remain in effect for the first semester of the following school year. Such action may be modified or terminated by the school district at any time during the expulsion period.

(4) The expulsion of a student for the knowing and intentional possession, use, or transmission of a firearm, which for purposes of this section means a firearm as defined in 18 U.S.C. 921 as of January 1, 1995, shall be for a period as provided by the school district policy adopted pursuant to section 79-263. This subsection shall not apply to (a) the issuance of firearms to or possession of firearms by members of the Reserve Officers

Training Corps when training or (b) firearms which may lawfully be possessed by the person receiving instruction under the immediate supervision of an adult instructor who may lawfully possess firearms.

(5) Any expulsion that will remain in effect during the first semester of the following school year shall be automatically scheduled for review before the beginning of the school year. The review shall be conducted by the hearing examiner after the hearing examiner has given notice of the review to the student and the student's parent or guardian. This review shall be limited to newly discovered evidence or evidence of changes in the student's circumstances occurring since the original hearing. This review may lead to a recommendation by the hearing examiner that the student be readmitted for the upcoming school year. If the school board or board of education or a committee of such board took the final action to expel the student, the student may be readmitted only by action of the board. Otherwise the student may be readmitted by action of the superintendent.

Sec. 3.

Section 79-2,137, Reissue Revised Statutes of Nebraska, is amended to read:

79-2,137 (1) The Legislature finds and declares that:

(a) Bullying disrupts and cyber-bullying disrupt a school's ability to educate students; and

(b) Bullying threatens and cyber-bullying threaten public safety by creating an atmosphere in which such behavior can escalate into violence.

(2) For purposes of this section: ,

(a) Bullying means any ongoing pattern of physical, verbal, or electronic abuse written abuse, other than cyber-bullying, on school grounds, in a vehicle owned, leased, or contracted by a school being used for a school purpose by a school employee or his or her designee, or at school-sponsored activities or school-sponsored athletic events; and .

(b) Cyber-bullying means any ongoing use of electronic mail, text messaging, social networking web sites, or any other form of electronic communication, on or off of school grounds, with the intention of causing harm or serious emotional distress to students or school personnel.

(3) On or before July 1, 2009, each school district as defined in section 79-101 shall develop and adopt a policy concerning bullying prevention and education for all students consistent with the Student Discipline Act.

(4) On or before July 1, 2011, each school district as defined in section 79-101 shall develop and adopt a policy concerning cyber-bullying prevention and education for all students consistent with the Student Discipline Act.

(4) (5) The school district shall review the policy such policies annually.

Sec. 4. Original sections 79-283 and 79-2,137, Reissue Revised Statutes of Nebraska, and section 79-267, Revised Statutes Cumulative Supplement, 2010, are repealed.

Sec. 5. Since an emergency exists, this act takes effect when passed and approved according to law.

NEVADA

NEV. REV. STAT. § 388.125 (2010). "HARASSMENT" DEFINED

"Harassment" means a willful act or course of conduct that is not otherwise authorized by law and is:

1. Highly offensive to a reasonable person; and
2. Intended to cause and actually causes another person to suffer serious emotional distress.

NEV. REV. STAT. § 388.129 (2010). "INTIMIDATION" DEFINED

"Intimidation" means a willful act or course of conduct that is not otherwise authorized by law and:

1. Is highly offensive to a reasonable person; and
2. Poses a threat of immediate harm or actually inflicts harm to another person or to the property of another person.

NEV. REV. STAT. § 388.132 (2010). LEGISLATIVE DECLARATION CONCERNING SAFE AND RESPECTFUL LEARNING ENVIRONMENT

The Legislature declares that:

1. A learning environment that is safe and respectful is essential for the pupils enrolled in the public schools in this State to achieve academic success and meet this State's high academic standards;
2. Any form of bullying, cyber-bullying, harassment or intimidation in public schools seriously interferes with the ability of teachers to teach in the classroom and the ability of pupils to learn;

3. The use of the Internet by pupils in a manner that is ethical, safe and secure is essential to a safe and respectful learning environment and is essential for the successful use of technology;

4. The intended goal of the Legislature is to ensure that:

(a) The public schools in this State provide a safe and respectful learning environment in which persons of differing beliefs, characteristics and backgrounds can realize their full academic and personal potential;

(b) All administrators, principals, teachers and other personnel of the school districts and public schools in this State demonstrate appropriate behavior on the premises of any public school by treating other persons, including, without limitation, pupils, with civility and respect and by refusing to tolerate bullying, cyber-bullying, harassment or intimidation; and

(c) All persons in public schools are entitled to maintain their own beliefs and to respectfully disagree without resorting to bullying, cyber-bullying, violence, harassment or intimidation; and

5. By declaring its goal that the public schools in this State provide a safe and respectful learning environment, the Legislature is not advocating or requiring the acceptance of differing beliefs in a manner that would inhibit the freedom of expression, but is requiring that pupils with differing beliefs be free from abuse and harassment.

NEV. REV. STAT. § 388.135 (2010). BULLYING, CYBER-BULLYING, HARASSMENT AND INTIMIDATION PROHIBITED

A member of the board of trustees of a school district, any employee of the board of trustees, including, without limitation, an administrator, principal, teacher or other staff member, or any pupil shall not engage in bullying, cyber-bullying, harassment or intimidation on the premises of any public school, at an activity sponsored by a public school or on any school bus.

NEV. REV. STAT. § 388.136 (2010). SCHOOL OFFICIALS PROHIBITED FROM INTERFERING WITH DISCLOSURE OF VIOLATIONS

1. A school official shall not directly or indirectly interfere with or prevent the disclosure of information concerning a violation of NRS 388.135.

2. As used in this section, “school official” means:

(a) A member of the board of trustees of a school district; or

(b) A licensed or unlicensed employee of a school district.

NEV. REV. STAT. § 388.137 (2010). IMMUNITY FOR REPORTING OF VIOLATIONS; EXCEPTIONS

No cause of action may be brought against a pupil or an employee or volunteer of a school who reports a violation of NRS 388.135 unless the person who made the report acted with malice, intentional misconduct, gross negligence, or intentional or knowing violation of the law.

NEV. REV. STAT. § 388.139 (2010). TEXT OF CERTAIN PROVISIONS REQUIRED TO BE INCLUDED IN RULES OF BEHAVIOR

Each school district shall include the text of the provisions of NRS 388.122 to 388.135 inclusive, and the policies adopted by the board of trustees of the school district pursuant to NRS 388.134 under the heading “Bullying, Cyber-Bullying, Harassment and Intimidation Is Prohibited in Public Schools,” within each copy of the rules of behavior for pupils that the school district provides to pupils pursuant to NRS 392.463.

NEV. REV. STAT. § 392.915 (2010). THREATENING TO CAUSE BODILY HARM OR DEATH TO PUPIL OR SCHOOL EMPLOYEE BY MEANS OF ORAL, WRITTEN OR ELECTRONIC COMMUNICATION; PENALTIES

1. A person shall not, through the use of any means of oral, written or electronic communication, including, without limitation, through the use of cyber-bullying, knowingly threaten to cause bodily harm or death to a pupil or employee of a school district or charter school with the intent to:

(a) Intimidate, harass, frighten, alarm or distress a pupil or employee of a school district or charter school;

(b) Cause panic or civil unrest; or

(c) Interfere with the operation of a public school, including, without limitation, a charter school.

2. Unless a greater penalty is provided by specific statute, a person who violates the provisions of subsection 1 is guilty of:

(a) A misdemeanor, unless the provisions of paragraph (b) apply to the circumstances.

(b) A gross misdemeanor, if the threat causes:

(1) Any pupil or employee of a school district or charter school who is the subject of the threat to be intimidated, harassed, frightened, alarmed or distressed;

(2) Panic or civil unrest; or

(3) Interference with the operation of a public school, including, without limitation, a charter school.

3. As used in this section:

- (a) “Cyber-bullying” has the meaning ascribed to it in NRS 388.123.
- (b) “Oral, written or electronic communication” includes, without limitation, any of the following:
 - (1) A letter, note or any other type of written correspondence.
 - (2) An item of mail or a package delivered by any person or postal or delivery service.
 - (3) A telegraph or wire service, or any other similar means of communication.
 - (4) A telephone, cellular phone, satellite phone, page or facsimile machine, or any other similar means of communication.
 - (5) A radio, television, cable, closed-circuit, wire, wireless, satellite or other audio or video broadcast or transmission, or any other similar means of communication.
 - (6) An audio or video recording or reproduction, or any other similar means of communication.
 - (7) An item of electronic mail, a modem or computer network, or the Internet, or any other similar means of communication.

2011 NEV. STAT. CH. 376. (S. 276) (EFFECTIVE 07/01/2011)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 385.3469 is hereby amended to read as follows:

385.3469 1. The State Board shall prepare an annual report of accountability that includes, without limitation:

- (a) Information on the achievement of all pupils based upon the results of the examinations administered pursuant to NRS 389.015 and 389.550, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.
- (b) Except as otherwise provided in subsection 2, pupil achievement, reported separately by gender and reported separately for the following groups of pupils:
 - (1) Pupils who are economically disadvantaged, as defined by the State Board;
 - (2) Pupils from major racial and ethnic groups, as defined by the State Board;

- (3) Pupils with disabilities;
 - (4) Pupils who are limited English proficient; and
 - (5) Pupils who are migratory children, as defined by the State Board.
- (c) A comparison of the achievement of pupils in each group identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board.
- (d) The percentage of all pupils who were not tested, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.
- (e) Except as otherwise provided in subsection 2, the percentage of pupils who were not tested, reported separately by gender and reported separately for the groups identified in paragraph (b).
- (f) The most recent 3-year trend in the achievement of pupils in each subject area tested and each grade level tested pursuant to NRS 389.015 and 389.550, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.
- (g) Information on whether each school district has made adequate yearly progress, including, without limitation, the name of each school district, if any, designated as demonstrating need for improvement pursuant to NRS 385.377 and the number of consecutive years that the school district has carried that designation.
- (h) Information on whether each public school, including, without limitation, each charter school, has made:
- (1) Adequate yearly progress, including, without limitation, the name of each public school, if any, designated as demonstrating need for improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.
 - (2) Progress based upon the model adopted by the Department pursuant to NRS 385.3595, if applicable for the grade level of pupils enrolled at the school.
- (i) Information on the results of pupils who participated in the examinations of the National Assessment of Educational Progress required pursuant to NRS 389.012.
- (j) The ratio of pupils to teachers in kindergarten and at each grade level for all elementary schools, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, and the average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school, reported for each school district and for this State as a whole.

(k) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, information on the professional qualifications of teachers employed by the school districts and charter schools, including, without limitation:

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or

(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;

(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, in this State that are not taught by highly qualified teachers;

(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, in this State that are not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools, which for the purposes of this subparagraph means schools in the top quartile of poverty and the bottom quartile of poverty in this State;

(4) For each middle school, junior high school and high school:

(I) ~~[On and after July 1, 2005, the]~~ **The** number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and

(II) ~~[On and after July 1, 2006, the]~~ **The** number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area; and

(5) For each elementary school:

(I) ~~[On and after July 1, 2005, the]~~ **The** number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and

(II) ~~[On and after July 1, 2006, the]~~ **The** number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.

(l) The total expenditure per pupil for each school district in this State, including, without limitation, each charter school in the district. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

(m) The total statewide expenditure per pupil. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

(n) For all elementary schools, junior high schools and middle schools, the rate of attendance, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(o) The annual rate of pupils who drop out of school in grade 8 and a separate reporting of the annual rate of pupils who drop out of school in grades 9 to 12, inclusive, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole. The reporting for pupils in grades 9 to 12, inclusive, excludes pupils who:

(1) Provide proof to the school district of successful completion of the examinations of general educational development.

(2) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(3) Withdraw from school to attend another school.

(p) The attendance of teachers who provide instruction, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(q) Incidents involving weapons or violence, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(r) Incidents involving the use or possession of alcoholic beverages or controlled substances, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(s) The suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(t) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(u) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 or 392.125, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(v) The transiency rate of pupils, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole. For the purposes of this paragraph, a pupil is not a transient if the pupil is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(w) Each source of funding for this State to be used for the system of public education.

(x) A compilation of the programs of remedial study purchased in whole or in part with money received from this State that are used in each school district, including, without limitation, each charter school in the district. The compilation must include:

(1) The amount and sources of money received for programs of remedial study.

(2) An identification of each program of remedial study, listed by subject area.

(y) The percentage of pupils who graduated from a high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university, state college or community college within the Nevada System of Higher Education, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(z) The technological facilities and equipment available for educational purposes, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(aa) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of pupils who received:

(1) A standard high school diploma, reported separately for pupils who received the diploma pursuant to:

(I) Paragraph (a) of subsection 1 of NRS 389.805; and

(II) Paragraph (b) of subsection 1 of NRS 389.805.

(2) An adjusted diploma.

(3) A certificate of attendance.

(bb) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of pupils who failed to pass the high school proficiency examination.

(cc) The number of habitual truants who are reported to a school police officer or local law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(dd) Information on the paraprofessionals employed at public schools in this State, including, without limitation, the charter schools in this State. The information must include:

(1) The number of paraprofessionals employed, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole; and

(2) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in programs supported with Title I money and to paraprofessionals who are not employed in programs supported with Title I money.

(ee) An identification of appropriations made by the Legislature to improve the academic achievement of pupils and programs approved by the Legislature to improve the academic achievement of pupils.

(ff) A compilation of the special programs available for pupils at individual schools, listed by school and by school district, including, without limitation, each charter school in the district.

(gg) For each school district, including, without limitation, each charter school in the district and for this State as a whole, information on pupils enrolled in career and technical education, including, without limitation:

(1) The number of pupils enrolled in a course of career and technical education;

(2) The number of pupils who completed a course of career and technical education;

(3) The average daily attendance of pupils who are enrolled in a program of career and technical education;

(4) The annual rate of pupils who dropped out of school and were enrolled in a program of career and technical education before dropping out;

(5) The number and percentage of pupils who completed a program of career and technical education and who received a standard high school diploma, an adjusted diploma or a certificate of attendance; and

(6) The number and percentage of pupils who completed a program of career and technical education and who did not receive a high school diploma because the pupils failed to pass the high school proficiency examination.

(hh) The number of incidents resulting in suspension or expulsion for bullying, cyber-bullying, harassment or intimidation, reported for each school district, including, without limitation, each charter school in the district, and for the State as a whole.

2. A separate reporting for a group of pupils must not be made pursuant to this section if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The State Board shall prescribe a mechanism for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

3. The annual report of accountability must:

(a) Comply with 20 U.S.C. § 6311(h)(1) and the regulations adopted pursuant thereto;

(b) Be prepared in a concise manner; and

(c) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

4. On or before September 1 of each year, the State Board shall:

(a) Provide for public dissemination of the annual report of accountability by posting a copy of the report on the Internet website maintained by the Department; and

(b) Provide written notice that the report is available on the Internet website maintained by the Department. The written notice must be provided to the:

(1) Governor;

(2) Committee;

(3) Bureau;

(4) Board of Regents of the University of Nevada;

(5) Board of trustees of each school district; and

(6) Governing body of each charter school.

5. Upon the request of the Governor, an entity described in paragraph (b) of subsection 4 or a member of the general public, the State Board shall provide a portion or portions of the annual report of accountability.

6. As used in this section:

(a) **“Bullying” has the meaning ascribed to it in NRS 388.122.**

(b) “Cyber-bullying” has the meaning ascribed to it in NRS 388.123.

(c) “Harassment” has the meaning ascribed to it in NRS 388.125.

(d) “Highly qualified” has the meaning ascribed to it in 20 U.S.C. § 7801(23).

~~[(b)]~~ **(e) “Intimidation” has the meaning ascribed to it in NRS 388.129.**

(f) “Paraprofessional” has the meaning ascribed to it in NRS 391.008.

Sec. 2. NRS 385.34692 is hereby amended to read as follows:

385.34692 1. The State Board shall prepare a summary of the annual report of accountability prepared pursuant to NRS 385.3469 that includes, without limitation, a summary of the following information for each school district, each charter school and the State as a whole:

(a) Demographic information of pupils, including, without limitation, the number and percentage of pupils:

(1) Who are economically disadvantaged, as defined by the State Board;

(2) Who are from major racial or ethnic groups, as defined by the State Board;

(3) With disabilities;

(4) Who are limited English proficient; and

(5) Who are migratory children, as defined by the State Board;

(b) The average daily attendance of pupils, reported separately for the groups identified in paragraph (a);

(c) The transiency rate of pupils;

(d) The percentage of pupils who are habitual truants;

(e) The percentage of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655;

(f) The number of incidents resulting in suspension or expulsion for:

- (1) Violence to other pupils or to school personnel;
- (2) Possession of a weapon;
- (3) Distribution of a controlled substance;
- (4) Possession or use of a controlled substance; [and] (5) Possession or use of alcohol; **and**

(6) Bullying, cyber-bullying, harassment or intimidation;

- (g) For kindergarten through grade 8, the number and percentage of pupils who are retained in the same grade;
- (h) For grades 9 to 12, inclusive, the number and percentage of pupils who are deficient in the number of credits required for promotion to the next grade or graduation from high school;
- (i) The pupil-teacher ratio for kindergarten and grades 1 to 8, inclusive;
- (j) The average class size for the subject area of mathematics, English, science and social studies in schools where pupils rotate to different teachers for different subjects;
- (k) The number and percentage of pupils who graduated from high school;
- (l) The number and percentage of pupils who received a:
 - (1) Standard diploma;
 - (2) Adult diploma;
 - (3) Adjusted diploma; and
 - (4) Certificate of attendance;
- (m) The number and percentage of pupils who graduated from high school and enrolled in remedial courses at the Nevada System of Higher Education;
- (n) Per pupil expenditures;
- (o) Information on the professional qualifications of teachers;
- (p) The average daily attendance of teachers and licensure information;
- (q) Information on the adequate yearly progress of the schools and school districts;
- (r) Pupil achievement based upon the:

- (1) Examinations administered pursuant to NRS 389.550, including, without limitation, whether public schools have made progress based upon the model adopted by the Department pursuant to NRS 385.3595; and
 - (2) High school proficiency examination;
 - (s) To the extent practicable, pupil achievement based upon the examinations administered pursuant to NRS 389.015 for grades 4, 7 and 10; and
 - (t) Other information required by the Superintendent of Public Instruction in consultation with the Bureau.
2. The summary prepared pursuant to subsection 1 must:
- (a) Comply with 20 U.S.C. § 6311(h)(1) and the regulations adopted pursuant thereto;
 - (b) Be prepared in a concise manner; and
 - (c) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents will likely understand.
3. On or before September 7 of each year, the State Board shall:
- (a) Provide for public dissemination of the summary prepared pursuant to subsection 1 by posting the summary on the Internet website maintained by the Department; and
 - (b) Submit a copy of the summary in an electronic format to the:
 - (1) Governor;
 - (2) Committee;
 - (3) Bureau;
 - (4) Board of Regents of the University of Nevada;
 - (5) Board of trustees of each school district; and
 - (6) Governing body of each charter school.
4. The board of trustees of each school district and the governing body of each charter school shall ensure that the parents and guardians of pupils enrolled in the school district or charter school, as applicable, have sufficient information concerning the availability of the summary prepared by the State Board pursuant to subsection 1, including, without limitation, information that describes how to access the summary on the Internet website maintained by the Department. Upon the request of a parent or guardian of a pupil, the Department shall provide the parent or guardian with a written copy of the summary.

5. The Department shall, in consultation with the Bureau and the school districts, prescribe a form for the summary required by this section.

6. As used in this section:

(a) “Bullying” has the meaning ascribed to it in NRS 388.122.

(b) “Cyber-bullying” has the meaning ascribed to it in NRS 388.123.

(c) “Harassment” has the meaning ascribed to it in NRS 388.125.

(d) “Intimidation” has the meaning ascribed to it in NRS 388.129.

Sec. 3. NRS 385.347 is hereby amended to read as follows:

385.347 1. The board of trustees of each school district in this State, in cooperation with associations recognized by the State Board as representing licensed educational personnel in the district, shall adopt a program providing for the accountability of the school district to the residents of the district and to the State Board for the quality of the schools and the educational achievement of the pupils in the district, including, without limitation, pupils enrolled in charter schools in the school district. The board of trustees of each school district shall report the information required by subsection 2 for each charter school that is located within the school district, regardless of the sponsor of the charter school. The information for charter schools must be reported separately and must denote the charter schools sponsored by the school district, the charter schools sponsored by the State Board and the charter schools sponsored by a college or university within the Nevada System of Higher Education.

2. The board of trustees of each school district shall, on or before August 15 of each year, prepare an annual report of accountability concerning:

(a) The educational goals and objectives of the school district.

(b) Pupil achievement for each school in the district and the district as a whole, including, without limitation, each charter school in the district. The board of trustees of the district shall base its report on the results of the examinations administered pursuant to NRS 389.015 and 389.550 and shall compare the results of those examinations for the current school year with those of previous school years. The report must include, for each school in the district, including, without limitation, each charter school in the district, and each grade in which the examinations were administered:

(1) The number of pupils who took the examinations.

(2) A record of attendance for the period in which the examinations were administered, including an explanation of any difference in the number of pupils who took the examinations and the number of pupils who are enrolled in the school.

(3) Except as otherwise provided in this paragraph, pupil achievement, reported separately by gender and reported separately for the following groups of pupils:

(I) Pupils who are economically disadvantaged, as defined by the State Board;

(II) Pupils from major racial and ethnic groups, as defined by the State Board;

(III) Pupils with disabilities;

(IV) Pupils who are limited English proficient; and

(V) Pupils who are migratory children, as defined by the State Board.

(4) A comparison of the achievement of pupils in each group identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board.

(5) The percentage of pupils who were not tested.

(6) Except as otherwise provided in this paragraph, the percentage of pupils who were not tested, reported separately by gender and reported separately for the groups identified in subparagraph (3).

(7) The most recent 3-year trend in pupil achievement in each subject area tested and each grade level tested pursuant to NRS 389.015 and 389.550, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.

(8) Information that compares the results of pupils in the school district, including, without limitation, pupils enrolled in charter schools in the district, with the results of pupils throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(9) For each school in the district, including, without limitation, each charter school in the district, information that compares the results of pupils in the school with the results of pupils throughout the school district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(10) Information on whether each school in the district, including, without limitation, each charter school in the district, has made progress based upon the model adopted by the Department pursuant to NRS 385.3595.

A separate reporting for a group of pupils must not be made pursuant to this paragraph if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The State Board shall prescribe the mechanism for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

(c) The ratio of pupils to teachers in kindergarten and at each grade level for each elementary school in the district and the district as a whole, including, without limitation, each charter school in the district, and the average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school in the district and the district as a whole, including, without limitation, each charter school in the district.

(d) Information on the professional qualifications of teachers employed by each school in the district and the district as a whole, including, without limitation, each charter school in the district. The information must include, without limitation:

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or

(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;

(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers;

(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools, which for the purposes of this subparagraph means schools in the top quartile of poverty and the bottom quartile of poverty in this State;

(4) For each middle school, junior high school and high school:

(I) ~~{On and after July 1, 2005, the}~~ **The** number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and

(II) ~~{On and after July 1, 2006, the}~~ **The** number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area; and

(5) For each elementary school:

(I) ~~{On and after July 1, 2005, the}~~ **The** number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and

(II) ~~[On and after July 1, 2006, the]~~ **The** number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.

(e) The total expenditure per pupil for each school in the district and the district as a whole, including, without limitation, each charter school in the district. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, each school district shall use that statewide program in complying with this paragraph. If a statewide program is not available, each school district shall use its own financial analysis program in complying with this paragraph.

(f) The curriculum used by the school district, including:

(1) Any special programs for pupils at an individual school; and

(2) The curriculum used by each charter school in the district.

(g) Records of the attendance and truancy of pupils in all grades, including, without limitation:

(1) The average daily attendance of pupils, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(2) For each elementary school, middle school and junior high school in the district, including, without limitation, each charter school in the district that provides instruction to pupils enrolled in a grade level other than high school, information that compares the attendance of the pupils enrolled in the school with the attendance of pupils throughout the district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(h) The annual rate of pupils who drop out of school in grade 8 and a separate reporting of the annual rate of pupils who drop out of school in grades 9 to 12, inclusive, for each such grade, for each school in the district and for the district as a whole. The reporting for pupils in grades 9 to 12, inclusive, excludes pupils who:

(1) Provide proof to the school district of successful completion of the examinations of general educational development.

(2) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(3) Withdraw from school to attend another school.

(i) Records of attendance of teachers who provide instruction, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

- (j) Efforts made by the school district and by each school in the district, including, without limitation, each charter school in the district, to increase:
- (1) Communication with the parents of pupils in the district; and
 - (2) The participation of parents in the educational process and activities relating to the school district and each school, including, without limitation, the existence of parent organizations and school advisory committees.
- (k) Records of incidents involving weapons or violence for each school in the district, including, without limitation, each charter school in the district.
- (l) Records of incidents involving the use or possession of alcoholic beverages or controlled substances for each school in the district, including, without limitation, each charter school in the district.
- (m) Records of the suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467.
- (n) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.
- (o) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 or 392.125, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.
- (p) The transiency rate of pupils for each school in the district and the district as a whole, including, without limitation, each charter school in the district. For the purposes of this paragraph, a pupil is not transient if the pupil is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.
- (q) Each source of funding for the school district.
- (r) A compilation of the programs of remedial study that are purchased in whole or in part with money received from this State, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The compilation must include:
- (1) The amount and sources of money received for programs of remedial study for each school in the district and the district as a whole, including, without limitation, each charter school in the district.
 - (2) An identification of each program of remedial study, listed by subject area.
- (s) For each high school in the district, including, without limitation, each charter school in the district, the percentage of pupils who graduated from that high school or charter

school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university, state college or community college within the Nevada System of Higher Education.

(t) The technological facilities and equipment available at each school, including, without limitation, each charter school, and the district's plan to incorporate educational technology at each school.

(u) For each school in the district and the district as a whole, including, without limitation, each charter school in the district, the number and percentage of pupils who received:

(1) A standard high school diploma, reported separately for pupils who received the diploma pursuant to:

(I) Paragraph (a) of subsection 1 of NRS 389.805; and

(II) Paragraph (b) of subsection 1 of NRS 389.805.

(2) An adjusted diploma.

(3) A certificate of attendance.

(v) For each school in the district and the district as a whole, including, without limitation, each charter school in the district, the number and percentage of pupils who failed to pass the high school proficiency examination.

(w) The number of habitual truants who are reported to a school police officer or law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, for each school in the district and for the district as a whole.

(x) The amount and sources of money received for the training and professional development of teachers and other educational personnel for each school in the district and for the district as a whole, including, without limitation, each charter school in the district.

(y) Whether the school district has made adequate yearly progress. If the school district has been designated as demonstrating need for improvement pursuant to NRS 385.377, the report must include a statement indicating the number of consecutive years the school district has carried that designation.

(z) Information on whether each public school in the district, including, without limitation, each charter school in the district, has made adequate yearly progress, including, without limitation:

(1) The number and percentage of schools in the district, if any, that have been designated as needing improvement pursuant to NRS 385.3623; and

(2) The name of each school, if any, in the district that has been designated as needing improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.

(aa) Information on the paraprofessionals employed by each public school in the district, including, without limitation, each charter school in the district. The information must include:

(1) The number of paraprofessionals employed at the school; and

(2) The number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in positions supported with Title I money and to paraprofessionals who are not employed in positions supported with Title I money.

(bb) For each high school in the district, including, without limitation, each charter school that operates as a high school, information that provides a comparison of the rate of graduation of pupils enrolled in the high school with the rate of graduation of pupils throughout the district and throughout this State. The information required by this paragraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(cc) An identification of the appropriations made by the Legislature that are available to the school district or the schools within the district and programs approved by the Legislature to improve the academic achievement of pupils.

(dd) For each school in the district and the district as a whole, including, without limitation, each charter school in the district, information on pupils enrolled in career and technical education, including, without limitation:

(1) The number of pupils enrolled in a course of career and technical education;

(2) The number of pupils who completed a course of career and technical education;

(3) The average daily attendance of pupils who are enrolled in a program of career and technical education;

(4) The annual rate of pupils who dropped out of school and were enrolled in a program of career and technical education before dropping out;

(5) The number and percentage of pupils who completed a program of career and technical education and who received a standard high school diploma, an adjusted diploma or a certificate of attendance; and

(6) The number and percentage of pupils who completed a program of career and technical education and who did not receive a high school diploma because the pupils failed to pass the high school proficiency examination.

(ee) **The number of incidents resulting in suspension or expulsion for bullying, cyber-bullying, harassment or intimidation, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.**

(ff) Such other information as is directed by the Superintendent of Public Instruction.

3. The records of attendance maintained by a school for purposes of paragraph (i) of subsection 2 must include the number of teachers who are in attendance at school and the number of teachers who are absent from school. A teacher shall be deemed in attendance if the teacher is excused from being present in the classroom by the school in which the teacher is employed for one of the following reasons:

(a) Acquisition of knowledge or skills relating to the professional development of the teacher; or

(b) Assignment of the teacher to perform duties for cocurricular or extracurricular activities of pupils.

4. The annual report of accountability prepared pursuant to subsection 2 must:

(a) Comply with 20 U.S.C. § 6311(h)(2) and the regulations adopted pursuant thereto; and

(b) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

5. The Superintendent of Public Instruction shall:

(a) Prescribe forms for the reports required pursuant to subsection 2 and provide the forms to the respective school districts.

(b) Provide statistical information and technical assistance to the school districts to ensure that the reports provide comparable information with respect to each school in each district and among the districts throughout this State.

(c) Consult with a representative of the:

(1) Nevada State Education Association;

(2) Nevada Association of School Boards;

(3) Nevada Association of School Administrators;

(4) Nevada Parent Teacher Association;

(5) Budget Division of the Department of Administration; and

(6) Legislative Counsel Bureau,

concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

6. The Superintendent of Public Instruction may consult with representatives of parent groups other than the Nevada Parent Teacher Association concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

7. On or before August 15 of each year, the board of trustees of each school district shall submit to each advisory board to review school attendance created in the county pursuant to NRS 392.126 the information required in paragraph (g) of subsection 2.

8. On or before August 15 of each year, the board of trustees of each school district shall:

(a) Provide written notice that the report required pursuant to subsection 2 is available on the Internet website maintained by the school district, if any, or otherwise provide written notice of the availability of the report. The written notice must be provided to the:

(1) Governor;

(2) State Board;

(3) Department;

(4) Committee; and

(5) Bureau.

(b) Provide for public dissemination of the annual report of accountability prepared pursuant to subsection 2 in the manner set forth in 20 U.S.C. § 6311(h)(2)(E) by posting a copy of the report on the Internet website maintained by the school district, if any. If a school district does not maintain a website, the district shall otherwise provide for public dissemination of the annual report by providing a copy of the report to the schools in the school district, including, without limitation, each charter school in the district, the residents of the district, and the parents and guardians of pupils enrolled in schools in the district, including, without limitation, each charter school in the district.

9. Upon the request of the Governor, an entity described in paragraph (a) of subsection 8 or a member of the general public, the board of trustees of a school district shall provide a portion or portions of the report required pursuant to subsection 2.

10. As used in this section:

(a) **“Bullying” has the meaning ascribed to it in NRS 388.122.**

(b) “Cyber-bullying” has the meaning ascribed to it in NRS 388.123.

(c) “Harassment” has the meaning ascribed to it in NRS 388.125.

(d) “Highly qualified” has the meaning ascribed to it in 20 U.S.C. § 7801(23).

~~[(b)]~~ **(e) “Intimidation” has the meaning ascribed to it in NRS 388.129.**

(f) “Paraprofessional” has the meaning ascribed to it in NRS 391.008.

Sec. 4. Chapter 388 of NRS is hereby amended by adding thereto the provisions set forth as sections 5 to 18, inclusive, of this act.

Secs. 5 and 6. (Deleted by amendment.)

Sec. 7. **1. The Department, in consultation with persons who possess knowledge and expertise in bullying, cyber-bullying, harassment and intimidation in public schools, shall, to the extent money is available, develop an informational pamphlet to assist pupils and the parents or legal guardians of pupils enrolled in the public schools in this State in resolving incidents of bullying, cyber-bullying, harassment or intimidation. If developed, the pamphlet must include, without limitation:**

(a) A summary of the policy prescribed by the Department pursuant to NRS 388.133 and the provisions of NRS 388.121 to 388.139, inclusive, and sections 5 to 18, inclusive, of this act;

(b) A description of practices which have proven effective in preventing and resolving violations of NRS 388.135 in schools, which must include, without limitation, methods to identify and assist pupils who are at risk for bullying, cyber-bullying, harassment or intimidation; and

(c) An explanation that the parent or legal guardian of a pupil who is involved in a reported violation of NRS 388.135 may request an appeal of a disciplinary decision made against the pupil as a result of the violation, in accordance with the policy governing disciplinary action adopted by the board of trustees of the school district.

2. If the Department develops a pamphlet pursuant to subsection 1, the Department shall review the pamphlet on an annual basis and make such revisions to the pamphlet as the Department determines are necessary to ensure the pamphlet contains current information.

3. If the Department develops a pamphlet pursuant to subsection 1, the Department shall post a copy of the pamphlet on the Internet website maintained by the Department.

4. To extent the money is available, the Department shall develop a tutorial which must be made available on the Internet website maintained by the Department that

includes, without limitation, the information contained in the pamphlet developed pursuant to subsection 1, if such a pamphlet is developed by the Department.

Sec. 8. 1. The Department, in consultation with persons who possess knowledge and expertise in bullying, cyber-bullying, harassment and intimidation in public schools, shall:

(a) Establish a program of training on methods to prevent, identify and report incidences of bullying, cyber-bullying, harassment and intimidation in public schools for members of the State Board.

(b) Recommend a program of training on methods to prevent, identify and report incidences of bullying, cyber-bullying, harassment and intimidation in public schools for members of the boards of trustees of school districts.

(c) Recommend a program of training for school district personnel to assist those persons with carrying out their powers and duties pursuant to NRS 388.121 to 388.139, inclusive, and sections 5 to 18, inclusive, of this act.

2. Each member of the State Board shall, within 1 year after the member is elected or appointed to the State Board, complete the program of training on bullying, cyber-bullying, harassment and intimidation in public schools established pursuant to paragraph (a) of subsection 1 and undergo the training at least one additional time while the person is a member of the State Board.

3. Each member of a board of trustees of a school district may complete the program of training on bullying, cyber-bullying, harassment and intimidation in public schools recommended pursuant to paragraph (b) of subsection 1 and may undergo the training at least one additional time while the person is a member of the board of trustees.

4. Each program of training established and recommended pursuant to subsection 1 must, to the extent money is available, be made available on the Internet website maintained by the Department or through another provider on the Internet.

5. The board of trustees of a school district may allow school district personnel to attend the program recommended pursuant to paragraph (c) of subsection 1 during regular school hours.

6. The Department shall review each program of training established and recommended pursuant to subsection 1 on an annual basis to ensure that the program contains current information concerning the prevention of bullying, cyber-bullying, harassment and intimidation.

Sec. 9. 1. The Bullying Prevention Fund is hereby created in the State General Fund, to be administered by the Superintendent of Public Instruction. The Superintendent of Public Instruction may accept gifts and grants from any source for deposit into

the Fund. The interest and income earned on the money in the Fund must be credited to the Fund.

2. In accordance with the regulations adopted by the State Board pursuant to section 18 of this act, a school district that applies for and receives a grant of money from the Bullying Prevention Fund shall use the money for one or more of the following purposes:

(a) The establishment of programs to create a school environment that is free from bullying, cyber-bullying, harassment and intimidation;

(b) The provision of training on the policies adopted by the school district pursuant to NRS 388.134 and the provisions of NRS 388.121 to 388.139, inclusive, and sections 5 to 18, inclusive, of this act; or

(c) The development and implementation of procedures by which the public schools of the school district and the pupils enrolled in those schools can discuss the policies adopted pursuant to NRS 388.134 and the provisions of NRS 388.121 to 388.139, inclusive, and sections 5 to 18, inclusive, of this act.

Sec. 10. (Deleted by amendment.)

Sec. 11. The principal of each public school or his or her designee shall:

1. Establish a school safety team to develop, foster and maintain a school environment which is free from bullying, cyberbullying, harassment and intimidation;

2. Conduct investigations of violations of NRS 388.135 occurring at the school; and

3. Collaborate with the board of trustees of the school district and the school safety team to prevent, identify and address reported violations of NRS 388.135 at the school.

Sec. 12. 1. Each school safety team established pursuant to section 11 of this act must consist of the principal or his or her designee and the following persons appointed by the principal:

(a) A school counselor;

(b) At least one teacher who teaches at the school;

(c) At least one parent or legal guardian of a pupil enrolled in the school; and

(d) Any other persons appointed by the principal.

2. The principal or his or her designee shall serve as the chair of the school safety team.

3. The school safety team shall:

(a) Meet at least two times each year;

(b) Identify and address patterns of bullying, cyber-bullying, harassment or intimidation at the school;

(c) Review and strengthen school policies to prevent and address bullying, cyber-bullying, harassment or intimidation;

(d) Provide information to school personnel, pupils enrolled in the school and parents and legal guardians of pupils enrolled in the school on methods to address bullying, cyber-bullying, harassment and intimidation; and

(e) To the extent money is available, participate in any training conducted by the school district regarding bullying, cyberbullying, harassment and intimidation.

Sec. 13. 1. On or before January 1 and June 30 of each year, the principal of each public school shall submit to the board of trustees of the school district a report on the violations of NRS 388.135 which are reported during the previous school semester. The report must include, without limitation:

(a) The number of violations of NRS 388.135 occurring at the school or otherwise involving a pupil enrolled at the school which are reported during that period; and

(b) Any actions taken at the school to reduce the number of incidences of bullying, cyber-bullying, harassment and intimidation, including, without limitation, training that was offered or other policies, practices and programs that were implemented.

2. The board of trustees of each school district shall review and compile the reports submitted pursuant to subsection 1 and, on or before August 1, submit a compilation of the reports to the Department.

Sec. 14. 1. A teacher or other staff member who witnesses a violation of NRS 388.135 or receives information that a violation of NRS 388.135 has occurred shall verbally report the violation to the principal or his or her designee on the day on which the teacher or other staff member witnessed the violation or received information regarding the occurrence of a violation.

2. The principal or his or her designee shall initiate an investigation not later than 1 day after receiving notice of the violation pursuant to subsection 1. The investigation must be completed within 10 days after the date on which the investigation is initiated and, if a violation is found to have occurred, include recommendations concerning the imposition of disciplinary action or other measures to be imposed as a result of the violation, in accordance with the policy governing disciplinary action adopted by the board of trustees of the school district.

3. The parent or legal guardian of a pupil involved in the reported violation of NRS 388.135 may appeal a disciplinary decision of the principal or his or her designee, made against the pupil as a result of the violation, in accordance with the policy governing disciplinary action adopted by the board of trustees of the school district.

Secs. 15 and 16. (Deleted by amendment.)

Sec. 17. The board of trustees of each school district, in conjunction with the school police officers of the school district, if any, and the local law enforcement agencies that have jurisdiction over the school district, shall establish a policy for the procedures which must be followed by an employee of the school district when reporting a violation of NRS 388.135 to a school police officer or local law enforcement agency.

Sec. 18. The State Board shall adopt regulations:

1. Establishing the process whereby school districts may apply to the State Board for a grant of money from the Bullying Prevention Fund pursuant to section 9 of this act.

2. As are necessary to carry out the provisions of NRS 388.121 to 388.139, inclusive, and sections 5 to 18, inclusive, of this act.

Sec. 19. NRS 388.121 is hereby amended to read as follows:

388.121 As used in NRS 388.121 to 388.139, inclusive, **and sections 5 to 18, inclusive, of this act,** unless the context otherwise requires, the words and terms defined in NRS 388.122 to 388.129, inclusive, have the meanings ascribed to them in those sections.

Sec. 20. NRS 388.122 is hereby amended to read as follows:

388.122 “Bullying” means a willful act **which is written, verbal or physical,** or **a** course of conduct on the part of one or more ~~[pupils]~~ **persons** which is not authorized by law and which exposes a ~~[pupil]~~ **person one time or** repeatedly and over time to one or more negative actions which is highly offensive to a reasonable person and ~~[is]~~ **:**

1. Is intended to cause ~~[and]~~ **or** actually causes the ~~[pupil]~~ **person** to suffer harm or serious emotional distress ~~[.]~~ **;**

2. Places the person in reasonable fear of harm or serious emotional distress; or

3. Creates an environment which is hostile to a pupil by interfering with the education of the pupil.

Sec. 21. NRS 388.125 is hereby amended to read as follows:

388.125 “Harassment” means a willful act **which is written, verbal or physical,** or **a** course of conduct that is not otherwise authorized by law ~~{and is: 1. Highly}~~, **is highly** offensive to a reasonable person ~~{;} and {2. Intended} :~~

1. Is intended to cause ~~{and}~~ **or** actually causes another person to suffer serious emotional distress ~~{;} :~~

2. Places a person in reasonable fear of harm or serious emotional distress; or

3. Creates an environment which is hostile to a pupil by interfering with the education of the pupil.

Sec. 22. NRS 388.129 is hereby amended to read as follows:

388.129 “Intimidation” means a willful act **which is written, verbal or physical,** or **a** course of conduct that is not otherwise authorized by law ~~{and: 1. Is}~~, **is** highly offensive to a reasonable person ~~{;} and {2. Poses} :~~

1. Poses a threat of immediate harm or actually inflicts harm to another person or to the property of another person ~~{;} :~~

2. Places a person in reasonable fear of harm or serious emotional distress; or

3. Creates an environment which is hostile to a pupil by interfering with the education of the pupil.

Sec. 23. (Deleted by amendment.)

Sec. 24. NRS 388.134 is hereby amended to read as follows:

388.134 The board of trustees of each school district shall:

1. Adopt the policy prescribed pursuant to NRS 388.133 and the policy prescribed pursuant to subsection 2 of NRS 389.520. The board of trustees may adopt an expanded policy for one or both of the policies if each expanded policy complies with the policy prescribed pursuant to NRS 388.133 or pursuant to subsection 2 of NRS 389.520, as applicable.

2. Provide for the appropriate training of all administrators, principals, teachers and all other personnel employed by the board of trustees in accordance with the policies prescribed pursuant to NRS 388.133 and pursuant to subsection 2 of NRS 389.520.

3. ~~{On or before September 1 of each year, submit a report to the Superintendent of Public Instruction that includes a description of each violation of NRS 388.135 occurring in the immediately preceding school year that resulted in personnel action against an employee or suspension or expulsion of a pupil, if any.}~~ **Post the policies adopted pursuant to subsection 1 on the Internet website maintained by the school district.**

4. Ensure that the parents and legal guardians of pupils enrolled in the school district have sufficient information concerning the availability of the policies, including, without limitation, information that describes how to access the policies on the Internet website maintained by the school district. Upon the request of a parent or legal guardian, the school district shall provide the parent or legal guardian with a written copy of the policies.

5. Review the policies adopted pursuant to subsection 1 on an annual basis and update the policies if necessary. If the board of trustees of a school district updates the policies, the board of trustees must submit a copy of the updated policies to the Department within 30 days after the update.

Sec. 25. NRS 388.1345 is hereby amended to read as follows:

388.1345 The Superintendent of Public Instruction shall:

1. Compile the reports submitted pursuant to ~~[NRS 388.134]~~ **section 13 of this act** and prepare a written report of the compilation.
2. On or before October 1 of each year, submit the written compilation to the Attorney General.

Sec. 26. NRS 388.139 is hereby amended to read as follows:

388.139 Each school district shall include the text of the provisions of NRS 388.121 to 388.135, inclusive, **and sections 5 to 18, inclusive, of this act** and the policies adopted by the board of trustees of the school district pursuant to NRS 388.134 under the heading “Bullying, Cyber-Bullying, Harassment and Intimidation Is Prohibited in Public Schools,” within each copy of the rules of behavior for pupils that the school district provides to pupils pursuant to NRS 392.463.

Sec. 27. (Deleted by amendment.)

Sec. 28. NRS 391.312 is hereby amended to read as follows:

391.312 1. A teacher may be suspended, dismissed or not reemployed and an administrator may be demoted, suspended, dismissed or not reemployed for the following reasons:

- (a) Inefficiency;
- (b) Immorality;
- (c) Unprofessional conduct;
- (d) Insubordination;
- (e) Neglect of duty;

- (f) Physical or mental incapacity;
- (g) A justifiable decrease in the number of positions due to decreased enrollment or district reorganization;
- (h) Conviction of a felony or of a crime involving moral turpitude;
- (i) Inadequate performance;
- (j) Evident unfitness for service;
- (k) Failure to comply with such reasonable requirements as a board may prescribe;
- (l) Failure to show normal improvement and evidence of professional training and growth;
- (m) Advocating overthrow of the Government of the United States or of the State of Nevada by force, violence or other unlawful means, or the advocating or teaching of communism with the intent to indoctrinate pupils to subscribe to communistic philosophy;
- (n) Any cause which constitutes grounds for the revocation of a teacher's license;
- (o) Willful neglect or failure to observe and carry out the requirements of this title;
- (p) Dishonesty;
- (q) Breaches in the security or confidentiality of the questions and answers of the achievement and proficiency examinations that are administered pursuant to NRS 389.015;
- (r) Intentional failure to observe and carry out the requirements of a plan to ensure the security of examinations adopted pursuant to NRS 389.616 or 389.620; ~~{or}~~
- (s) An intentional violation of NRS 388.5265 or 388.527 ~~{or}~~ **; or**

(t) An intentional failure to report a violation of NRS 388.135 if the teacher or administrator witnessed the violation.

2. In determining whether the professional performance of a licensed employee is inadequate, consideration must be given to the regular and special evaluation reports prepared in accordance with the policy of the employing school district and to any written standards of performance which may have been adopted by the board.

Secs. 29-31. (Deleted by amendment.)

Sec. 32. Chapter 236 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Governor shall annually proclaim the first week in October to be “Week of Respect.” 2. The proclamation may call upon:

(a) News media, educators and appropriate government offices to bring to the attention of the residents of Nevada factual information regarding bullying, cyber-bullying, harassment and intimidation in schools, including, without limitation:

(1) Statistical information regarding the number of pupils who are bullied, cyber-bullied, harassed or intimidated in schools each year;

(2) The methods to identify and assist pupils who are at risk of bullying, cyber-bullying, harassment or intimidation; and

(3) The methods to prevent bullying, cyber-bullying, harassment and intimidation in schools; and

(b) School districts to provide instruction on the ways in which pupils can prevent bullying, cyber-bullying, harassment and intimidation during the Week of Respect and throughout the school year that is appropriate for the grade level of pupils who receive the instruction.

3. As used in this section:

(a) “Bullying” has the meaning ascribed to it in NRS 388.122.

(b) “Cyber-bullying” has the meaning ascribed to it in NRS 388.123.

(c) “Harassment” has the meaning ascribed to it in NRS 388.125.

(d) “Intimidation” has the meaning ascribed to it in NRS 388.129.

Sec. 33. On or before December 31, 2011, the State Board of Education shall adopt the regulations required by section 18 of this act.

Sec. 34. (Deleted by amendment.)

Sec. 35. This act becomes effective on July 1, 2011.

NEW HAMPSHIRE

N.H. REV. STAT. ANN. § 193-F:2 (2011). PURPOSE AND INTENT

I. All pupils have the right to attend public schools, including chartered public schools, that are safe, secure, and peaceful environments. One of the legislature's highest priorities is to protect our children from physical, emotional, and psychological violence by addressing the harm caused by bullying and cyberbullying in our public schools.

II. Bullying in schools has historically included actions shown to be motivated by a pupil's actual or perceived race, color, religion, national origin, ancestry or ethnicity, sexual orientation, socioeconomic status, age, physical, mental, emotional, or learning disability, gender, gender identity and expression, obesity, or other distinguishing personal characteristics, or based on association with any person identified in any of the above categories.

III. It is the intent of the legislature to protect our children from physical, emotional, and psychological violence by addressing bullying and cyberbullying of any kind in our public schools, for all of the historical reasons set forth in this section, and to prevent the creation of a hostile educational environment.

IV. The sole purpose of this chapter is to protect all children from bullying and cyberbullying, and no other legislative purpose is intended, nor should any other intent be construed from the enactment of this chapter.

N.H. REV. STAT. ANN. § 193-F:3 (2011). DEFINITIONS

In this chapter:

I. (a) “Bullying” means a single significant incident or a pattern of incidents involving a written, verbal, or electronic communication, or a physical act or gesture, or any combination thereof, directed at another pupil which:

(1) Physically harms a pupil or damages the pupil's property;

(2) Causes emotional distress to a pupil;

(3) Interferes with a pupil's educational opportunities;

(4) Creates a hostile educational environment; or

(5) Substantially disrupts the orderly operation of the school.

(b) “Bullying” shall include actions motivated by an imbalance of power based on a pupil's actual or perceived personal characteristics, behaviors, or beliefs, or motivated by the pupil's association with another person and based on the other person's characteristics, behaviors, or beliefs.

II. “Cyberbullying” means conduct defined in paragraph I of this section undertaken through the use of electronic devices.

III. “Electronic devices” include, but are not limited to, telephones, cellular phones, computers, pagers, electronic mail, instant messaging, text messaging, and websites.

IV. “Perpetrator” means a pupil who engages in bullying or cyberbullying.

V. “School property” means all real property and all physical plant and equipment used for school purposes, including public or private school buses or vans.

VI. “Victim” means a pupil against whom bullying or cyberbullying has been perpetrated.

N.H. REV. STAT. ANN. § 193-F:4 (2011). PUPIL SAFETY AND VIOLENCE PREVENTION

I. Bullying or cyberbullying shall occur when an action or communication as defined in RSA 193-F:3:

(a) Occurs on, or is delivered to, school property or a school-sponsored activity or event on or off school property; or

(b) Occurs off of school property or outside of a school-sponsored activity or event, if the conduct interferes with a pupil's educational opportunities or substantially disrupts the orderly operations of the school or school-sponsored activity or event.

II. The school board of each school district and the board of trustees of a chartered public school shall, no later than 6 months after the effective date of this section, adopt a written policy prohibiting bullying and cyberbullying. Such policy shall include the definitions set forth in RSA 193-F:3. The policy shall contain, at a minimum, the following components:

(a) A statement prohibiting bullying or cyberbullying of a pupil.

(b) A statement prohibiting retaliation or false accusations against a victim, witness, or anyone else who in good faith provides information about an act of bullying or cyberbullying and, at the time a report is made, a process for developing, as needed, a plan to protect pupils from retaliation.

(c) A requirement that all pupils are protected regardless of their status under the law.

(d) A statement that there shall be disciplinary consequences or interventions, or both, for a pupil who commits an act of bullying or cyberbullying, or falsely accuses another of the same as a means of retaliation or reprisal.

(e) A statement indicating how the policy shall be made known to school employees, regular school volunteers, pupils, parents, legal guardians, or employees of a company under contract to a school, school district, or chartered public school. Recommended methods of communication include, but are not limited to, handbooks, websites, newsletters, and workshops.

(f) A procedure for reporting bullying or cyberbullying that identifies all persons to whom a pupil or another person may report bullying or cyberbullying.

(g) A procedure outlining the internal reporting requirements within the school or school district or chartered public school.

(h) A procedure for notification, within 48 hours of the incident report, to the parent or parents or guardian of a victim of bullying or cyberbullying and the parent or parents or guardian of the perpetrator of the bullying or cyberbullying. The content of the notification shall comply with the Family Educational Rights and Privacy Act, 20 U.S.C. 1232g.

(i) A provision that the superintendent or designee may, within the 48-hour period, grant the school principal or designee a waiver from the notification requirement if the superintendent or designee deems such waiver to be in the best interest of the victim or perpetrator. Any such waiver granted shall be in writing. Granting of a waiver shall not negate the school's responsibility to adhere to the remainder of its approved written policy.

(j) A written procedure for investigation of reports, to be initiated within 5 school days of the reported incident, identifying either the principal or the principal's designee as the person responsible for the investigation and the manner and time period in which the results of the investigation shall be documented. The superintendent or designee may grant in writing an extension of the time period for the investigation and documentation of reports for up to an additional 7 school days, if necessary. The superintendent or superintendent's designee shall notify in writing all parties involved of the granting of an extension.

(k) A requirement that the principal or designee develop a response to remediate any substantiated incident of bullying or cyberbullying, including imposing discipline if appropriate, to reduce the risk of future incidents and, where deemed appropriate, to offer assistance to the victim or perpetrator. When indicated, the principal or designee shall recommend a strategy for protecting all pupils from retaliation of any kind.

(l) A requirement that the principal or designee report all substantiated incidents of bullying or cyberbullying to the superintendent or designee.

(m) A written procedure for communication with the parent or parents or guardian of victims and perpetrators regarding the school's remedies and assistance, within the boundaries of applicable state and federal law. This communication shall occur within 10 school days of completion of the investigation.

(n) Identification, by job title, of school officials responsible for ensuring that the policy is implemented.

III. The department of education may develop a model policy in accordance with the requirements set forth in this chapter which may be used by schools, school districts, and chartered public schools as a basis for adopting a local policy.

IV. A school board or board of trustees of a chartered public school shall, to the greatest extent practicable, involve pupils, parents, administrators, school staff, school volunteers, community representatives, and local law enforcement agencies in the process of developing the policy. The policy shall be adopted by all public schools within the school district and, to the extent possible, the policy should be integrated with the school's curriculum, discipline policies, behavior programs, and other violence prevention efforts.

NEW JERSEY

N.J. STAT. ANN. § 18A:37-14 (2011). HARASSMENT, INTIMIDATION, AND BULLYING; PROHIBITED CONDUCT

As used in this act:

“Electronic communication” means a communication transmitted by means of an electronic device, including, but not limited to, a telephone, cellular phone, computer, or pager;

“Harassment, intimidation or bullying” means any gesture, any written, verbal or physical act, or any electronic communication that is reasonably perceived as being motivated either by any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory handicap, or by any other distinguishing characteristic, that takes place on school property, at any school-sponsored function or on a school bus and that:

- a. a reasonable person should know, under the circumstances, will have the effect of harming a student or damaging the student's property, or placing a student in reasonable fear of harm to his person or damage to his property; or
- b. has the effect of insulting or demeaning any student or group of students in such a way as to cause substantial disruption in, or substantial interference with, the orderly operation of the school.

N.J. STAT. ANN. § 18A:37-15 (2011). HARASSMENT, INTIMIDATION AND BULLYING POLICY TO BE ADOPTED BY SCHOOL DISTRICTS; CONTENTS AND NOTICE

- a. Each school district shall adopt a policy prohibiting harassment, intimidation or bullying on school property, at a school-sponsored function or on a school bus. The school district shall attempt to adopt the policy through a process that includes representation of parents or guardians, school employees, volunteers, students, administrators, and community representatives.
- b. A school district shall have local control over the content of the policy, except that the policy shall contain, at a minimum, the following components:

- (1) a statement prohibiting harassment, intimidation or bullying of a student;
- (2) a definition of harassment, intimidation or bullying no less inclusive than that set forth in section 2 of P.L. 2002, c. 83 (C.18A:37-14);
- (3) a description of the type of behavior expected from each student;
- (4) consequences and appropriate remedial action for a person who commits an act of harassment, intimidation or bullying;
- (5) a procedure for reporting an act of harassment, intimidation or bullying, including a provision that permits a person to report an act of harassment, intimidation or bullying anonymously; however, this shall not be construed to permit formal disciplinary action solely on the basis of an anonymous report;
- (6) a procedure for prompt investigation of reports of violations and complaints, identifying either the principal or the principal's designee as the person responsible for the investigation;
- (7) the range of ways in which a school will respond once an incident of harassment, intimidation or bullying is identified;
- (8) a statement that prohibits reprisal or retaliation against any person who reports an act of harassment, intimidation or bullying and the consequence and appropriate remedial action for a person who engages in reprisal or retaliation;
- (9) consequences and appropriate remedial action for a person found to have falsely accused another as a means of retaliation or as a means of harassment, intimidation or bullying;
- (10) a statement of how the policy is to be publicized, including notice that the policy applies to participation in school-sponsored functions; and
- (11) a requirement that the policy be posted on the school district's website and distributed annually to parents and guardians who have children enrolled in a school in the school district.

c. A school district shall adopt a policy and transmit a copy of its policy to the appropriate county superintendent of schools by September 1, 2003.

d. To assist school districts in developing policies for the prevention of harassment, intimidation or bullying, the Commissioner of Education shall develop a model policy applicable to grades kindergarten through 12. This model policy shall be issued no later than December 1, 2002.

e. Notice of the school district's policy shall appear in any publication of the school district that sets forth the comprehensive rules, procedures and standards of conduct for schools within the school district, and in any student handbook.

N.J. STAT. ANN. § 18A:37-15.1 (2011). HARASSMENT OR BULLYING BY WAY OF ELECTRONIC COMMUNICATION; INCORPORATION INTO SCHOOL DISTRICT POLICY

a. A school district's policy on prohibiting harassment, intimidation or bullying adopted pursuant to section 3 of P.L.2002, c. 83 (C.18A:37-15), shall be amended, if necessary, to reflect the provisions of P.L.2007, c. 129 (C.18A:37-15.1 et al.). The district shall transmit a copy of the amended policy to the appropriate county superintendent of schools. Notice of the amended policy shall appear in any publication of the school district that sets forth the comprehensive rules, procedures and standards of conduct for schools within the school district, and in any student handbook.

b. In the event that a school district's policy on prohibiting harassment, intimidation or bullying adopted pursuant to section 3 of P.L.2002, c. 83 (C.18A:37-15) does not accord with the provisions of subsection a. of this section by the 90th day following the effective date of this act, [FN1] the district's existing policy prohibiting harassment, intimidation or bullying shall be deemed to include an "electronic communication" as defined in section 2 of P.L.2002, c. 83 (C.18A:37-14) as amended by section 1 of P.L.2007, c. 129.

N.J. STAT. ANN. § 18A:37-16 (2011). RETALIATION OR FALSE ACCUSATION AGAINST VICTIM PROHIBITED; MANDATORY REPORTING; SCHOOL EMPLOYEE IMMUNITY FOR FAILURE TO REMEDY

a. A school employee, student or volunteer shall not engage in reprisal, retaliation or false accusation against a victim, witness or one with reliable information about an act of harassment, intimidation or bullying.

b. A school employee, student or volunteer who has witnessed, or has reliable information that a student has been subject to, harassment, intimidation or bullying shall report the incident to the appropriate school official designated by the school district's policy.

c. A school employee who promptly reports an incident of harassment, intimidation or bullying, to the appropriate school official designated by the school district's policy, and who makes this report in compliance with the procedures in the district's policy, is immune from a cause of action for damages arising from any failure to remedy the reported incident.

2011 N.J. LAWS CH. 122. (A. 3466) THE "ANTI-BULLYING BILL OF RIGHTS ACT." (EFFECTIVE THE FIRST SCHOOL YEAR FOLLOWING ENACTMENT)

As reported by the Assembly Education Committee on November 15, 2010, with amendments.

An Act concerning harassment, intimidation, and bullying in school settings 1[and],1 amending 1[and supplementing]1 various parts of the statutory law 1 and supplementing **P.L.2002, c.83 (C.18A:37-13 et seq.) and chapter 3B of Title 18A of the New Jersey Statutes**1.

Be It Enacted by the Senate and General Assembly of the State of New Jersey:

1. (New section) Sections 1, 2, and 16 through 1[28] **30**1 of this act and P.L.2002, c.83 (C.18A:37-13 et seq.) shall be known and may be cited as the “Anti-Bullying Bill of Rights Act.”

2. (New section) The Legislature finds and declares that:

a. A 2009 study by the United States Departments of Justice and Education, “Indicators of School Crime and Safety,” reported that 32% of students aged 12 through 18 were bullied in the previous school year. The study reported that 25% of the responding public schools indicated that bullying was a daily or weekly problem;

b. A 2009 study by the United States Centers for Disease Control and Prevention, “Youth Risk Behavior Surveillance,” reported that the percentage of students bullied in New Jersey is 1 percentage point higher than the national median;

c. In 2010, the chronic persistence of school bullying has led to student suicides across the country, including in New Jersey;

d. Significant research has emerged since New Jersey enacted its public school anti-bullying statute in 2002, and since the State amended that law in 2007 to include cyber-bullying and in 2008 to require each school district to post its anti-bullying policy on its website and distribute it annually to parents or guardians of students enrolled in the district;

e. School districts and their students, parents, teachers, principals, other school staff, and board of education members would benefit by the establishment of clearer standards on what constitutes harassment, intimidation, and bullying, and clearer standards on how to prevent, report, investigate, and respond to incidents of harassment, intimidation, and bullying;

f. It is the intent of the Legislature in enacting this legislation to strengthen the standards and procedures for preventing, reporting, investigating, and responding to incidents of harassment, intimidation, and bullying of students that occur in school and off school premises;

g. Fiscal responsibility requires New Jersey to take a smarter, clearer approach to fight school bullying by ensuring that existing resources are better managed and used to make our schools safer for students;

h. In keeping with the aforementioned goal of fiscal responsibility and in an effort to minimize any burden placed on schools and school districts, existing personnel and

resources shall be utilized in every possible instance to accomplish the goals of increased prevention, reporting, and responsiveness to incidents of harassment, intimidation, or bullying, including in the appointment of school anti-bullying specialists and district anti-bullying coordinators;

i. By strengthening standards for preventing, reporting, investigating, and responding to incidents of bullying this act will help to reduce the risk of suicide among students and avert not only the needless loss of a young life, but also the tragedy that such loss represents to the student's family and the community at large; and

j. Harassment, intimidation, and bullying is also a problem which occurs on the campuses of institutions of higher education in this State, and by requiring the public institutions to include in their student codes of conduct a specific prohibition against bullying, this act will be a significant step in reducing incidents of such activity.

3. Section 1 of P.L.1986, c.116 (C.18A:6-7.1) is amended to read as follows:

1. A facility, center, school, or school system under the supervision of the Department of Education and board of education which cares for, or is involved in the education of children under the age of 18 shall not employ for pay or contract for the paid services of any teaching staff member or substitute teacher, teacher aide, child study team member, school physician, school nurse, custodian, school maintenance worker, cafeteria worker, school law enforcement officer, school secretary or clerical worker or any other person serving in a position which involves regular contact with pupils unless the employer has first determined consistent with the requirements and standards of this act, that no criminal history record information exists on file in the Federal Bureau of Investigation, Identification Division, or the State Bureau of Identification which would disqualify that individual from being employed or utilized in such capacity or position. An individual employed by a board of education or a school bus contractor holding a contract with a board of education, in the capacity of a school bus driver, shall be required to meet the criminal history record requirements pursuant to section 6 of P.L.1989, c.104 (C.18A:39-19.1). A facility, center, school, or school system under the supervision of the Department of Education and board of education which cares for, or is involved in the education of children under the age of 18 may require criminal history record checks for individuals who, on an unpaid voluntary basis, provide services that involve regular contact with pupils. In the case of school districts involved in a sending-receiving relationship, the decision to require criminal history record checks for volunteers shall be made jointly by the boards of education of the sending and receiving districts.

An individual, except as provided in subsection g. of this section, shall be permanently disqualified from employment or service under this act if the individual's criminal history record check reveals a record of conviction for any crime of the first or second degree; or

a. An offense as set forth in chapter 14 of Title 2C of the New Jersey Statutes, or as set forth in N.J.S.2C:24-4 and 2C:24-7, or as set forth in R.S.9:6-1 et seq., or as set forth in N.J.S.2C:29-2; or

b. An offense involving the manufacture, transportation, sale, possession, distribution or habitual use of a “controlled dangerous substance” as defined in the “Comprehensive Drug Reform Act of 1987,” N.J.S.2C:35-1 et al. or “drug paraphernalia” as defined pursuant to N.J.S.2C:36-1 et seq.; or

c. (1) A crime involving the use of force or the threat of force to or upon a person or property including, but not limited to, robbery, aggravated assault, stalking, kidnapping, arson, manslaughter and murder; or

(2) A crime as set forth in chapter 39 of Title 2C of the New Jersey Statutes, a third degree crime as set forth in chapter 20 of Title 2C of the New Jersey Statutes, or a crime as listed below:

Recklessly endangering another person N.J.S.2C:12-2

Terroristic threats N.J.S.2C:12-3

Criminal restraint N.J.S.2C:13-2

Luring, enticing child into motor

vehicle, structure or isolated area P.L.1993, c.291 (C.2C:13-6)

Causing or risking widespread injury

or damage N.J.S.2C:17-2

Criminal mischief N.J.S.2C:17-3

Burglary N.J.S.2C:18-2

Usury N.J.S.2C:21-19

Threats and other improper influence N.J.S.2C:27-3

Perjury and false swearing N.J.S.2C:28-3

Resisting arrest N.J.S.2C:29-2

Escape N.J.S.2C:29-5

Bias intimidation N.J.S.2C:16-1;

or

(3) Conspiracy to commit or an attempt to commit any of the crimes described in this act.

d. For the purposes of this section, a conviction exists if the individual has at any time been convicted under the laws of this State or under any similar statutes of the United States or any other state for a substantially equivalent crime or other offense.

e. Notwithstanding the provisions of this section, an individual shall not be disqualified from employment or service under this act on the basis of any conviction disclosed by a criminal record check performed pursuant to this act without an opportunity to challenge the accuracy of the disqualifying criminal history record.

f. When charges are pending for a crime or any other offense enumerated in this section, the employing board of education shall be notified that the candidate shall not be eligible for employment until the commissioner has made a determination regarding qualification or disqualification upon adjudication of the pending charges.

g. This section shall first apply to criminal history record checks conducted on or after the effective date of P.L.1998, c.31 (C.18A:6-7.1c et al.); except that in the case of an individual employed by a board of education or a contracted service provider who is required to undergo a check upon employment with another board of education or contracted service provider, the individual shall be disqualified only for the following offenses:

(1) any offense enumerated in this section prior to the effective date of P.L.1998, c.31 (C.18A:6-7.1c et al.); and

(2) any offense enumerated in this section which had not been enumerated in this section prior to the effective date of P.L.1998, c.31 (C.18A:6-7.1c et al.), if the person was convicted of that offense on or after the effective date of that act.

(cf: P.L.2007, c.82, s.1)

4. Section 2 of P.L.2005, c.310 (C.18A:6-112) is amended to read as follows:

2. The State Board of Education, in consultation with the New Jersey Youth Suicide Prevention Advisory Council established in the Department of Children and Families pursuant to P.L.2003, c.214 (C.30:9A-22 et seq.), shall, as part of the professional development requirement established by the State board for public school teaching staff members, require each public school teaching staff member to complete at least two hours of instruction in suicide prevention, to be provided by a licensed health care professional with training and experience in mental health issues, in each professional development period. **The instruction in suicide prevention shall include information on the relationship between the risk of suicide and incidents of harassment, intimidation, and bullying and information on reducing the risk of suicide in students who are members of communities identified as having members at high risk of suicide.**

(cf: P.L.2006, c.47, s.80)

5. Section 3 of P.L.1995, c.235 (C.18A:7E-3) is amended to read as follows:

3. Report cards issued pursuant to section 2 of this act shall include, but not be limited to, the following information for:

a. the school district and for each school within the district, as appropriate:

- (1) results of the elementary assessment programs;
- (2) results of the Early Warning Test;
- (3) results of the High School Proficiency Test;
- (4) daily attendance records for students and professional staff;
- (5) student graduation and dropout rates;
- (6) annual student scores on the Scholastic Aptitude Test;
- (7) total student enrollment, percentage of limited English proficient students, percentage of students in advanced placement courses, and any other school characteristics which the commissioner deems appropriate;
- (8) instructional resources including teacher/student ratio, average class size and amount of instructional time per day, as calculated by formulas specified by the commissioner; [and]
- (9) a written narrative by the school principal or a designee which describes any special achievements, events, problems or initiatives of the school or district; **and**
- (10) data identifying the number and nature of all reports of harassment, intimidation, or bullying;** and

b. the school district, as appropriate:

- (1) per pupil expenditures and State aid ratio;
- (2) percent of budget allocated for salaries and benefits of administrative personnel;
- (3) percent of budget allocated for salaries and benefits of teachers;
- (4) percentage increase over the previous year for salaries and benefits of administrative and instructional personnel;
- (5) the number of administrative personnel and the ratio of administrative personnel to instructional personnel;
- (6) a profile of the most recent graduating class concerning their educational or employment plans following graduation; and

(7) any other information which the commissioner deems appropriate.

For the purposes of this section, the Commissioner of Education shall establish a uniform methodology for the reporting of the data concerning administrative personnel on a full-time equivalent basis.

(cf: P.L.1995, c.235, s.3)

6. Section 13 of P.L.1991, c.393 (C.18A:12-33) is amended to read as follows:

13. a. Each newly elected or appointed board member shall complete during the first year of the member's first term a training program to be prepared and offered by the New Jersey School Boards Association, in consultation with the New Jersey Association of School Administrators, the New Jersey Principals and Supervisors Association, and the Department of Education, regarding the skills and knowledge necessary to serve as a local school board member. The training program shall include information regarding the school district monitoring system established pursuant to P.L.2005, c.235, the New Jersey Quality Single Accountability Continuum, and the five key components of school district effectiveness on which school districts are evaluated under the monitoring system: instruction and program; personnel; fiscal management; operations; and governance.

The board member shall complete a training program on school district governance in each of the subsequent two years of the board member's first term.

b. Within one year after each re-election or re-appointment to the board of education, the board member shall complete an advanced training program to be prepared and offered by the New Jersey School Boards Association. This advanced training program shall include information on relevant changes to New Jersey school law and other information deemed appropriate to enable the board member to serve more effectively.

c. The New Jersey School Boards Association shall examine options for providing training programs to school board members through alternative methods such as on-line or other distance learning media or through regional-based training.

d. Within one year after being newly elected or appointed or being re-elected or re-appointed to the board of education, a board member shall complete a training program on harassment, intimidation, and bullying in schools, including a school district's responsibilities under P.L.2002, c.83 (C.18A:37-13 et seq.). A board member shall be required to complete the program only once.

e. Training on harassment, intimidation, and bullying in schools shall be provided by the New Jersey School Boards Association, in consultation with recognized experts in school bullying from a cross section of academia, child advocacy organizations, nonprofit organizations, professional associations, and government agencies.

(cf: P.L.2007, c.53, s.17)

7. Section 1 of P.L.1982, c.163 (C.18A:17-46) is amended to read as follows:

1. Any school employee observing or having direct knowledge from a participant or victim of an act of violence shall, in accordance with standards established by the commissioner, file a report describing the incident to the school principal in a manner prescribed by the commissioner, and copy of same shall be forwarded to the district superintendent.

The principal shall notify the district superintendent of schools of the action taken regarding the incident. [Annually] 1[**Once during each semester of the school year**] **Two times each school year, between September 1 and January 1 and between January 1 and June 30**¹, at a public hearing, the superintendent of schools shall report to the board of education all acts of violence [and] **, vandalism, and harassment, intimidation, or bullying** which occurred during the previous [school year] 1[**semester**] **reporting period**¹. **The report shall include the number of reports of harassment, intimidation, or bullying, the status of all investigations, the nature of the bullying based on one of the protected categories identified in section 2 of P.L.2002, c.83 (C.18A:37-14), the names of the investigators, the type and nature of any discipline imposed on any student engaged in harassment, intimidation, or bullying, and any other measures imposed, training conducted, or programs implemented, to reduce harassment, intimidation, or bullying. The information shall also be reported once during each 1[semester of the school year] reporting period¹ to the Department of Education. The report must include data broken down by the enumerated categories as listed in section 2 of P.L.2002, c.83 (C.18A:37-14), and data broken down by each school in the district, in addition to district-wide data. It shall be a violation to improperly release any confidential information not authorized by federal or State law for public release.**

The report shall be used to grade each school for the purpose of assessing its effort to 1[identify harassment, intimidation, or bullying] implement policies and programs consistent with the provisions of P.L.2002, c.83 (C.18A:37-13 et seq.)¹. The district shall receive a grade determined by averaging the grades of all the schools in the district. The commissioner shall promulgate guidelines for a program to grade schools for the 1[purpose of assessing their efforts to identify harassment, intimidation, or bullying] purposes of this subsection¹.

The grade received by a school and the district shall be posted on the homepage of the school's website. The grade for the district and each school of the district shall be posted on the homepage of the district's website. A link to the report shall be available on the district's website. The information shall be posted on the websites within 10 days of the receipt of a grade by the school and district.

Verification of the [annual report] **reports** on violence [and] **, vandalism, and harassment, intimidation, or bullying** shall be part of the State's monitoring of the school district, and the State Board of Education shall adopt regulations that impose a penalty on a school employee who knowingly falsifies the report. A board of education shall provide ongoing staff training, in cooperation with the Department of Education, in

fulfilling the reporting requirements pursuant to this section. The majority representative of the school employees shall have access monthly to the number and disposition of all reported acts of school violence [and], vandalism, **and harassment, intimidation, or bullying.**

(cf: P.L.2007, c.42, s.1)

8. Section 3 of P.L.1982, c.163 (C.18A:17-48) is amended to read as follows:

3. The Commissioner of Education shall each year submit a report to the Education Committees of the Senate and General Assembly detailing the extent of violence [and], vandalism, **and harassment, intimidation, or bullying** in the public schools and making recommendations to alleviate the problem. **The report shall be made available annually to the public no later than October 1, and shall be posted on the department's website.**

(cf: P.L.1982, c.163, s.3)

9. Section 13 of P.L.2007, c.53 (C.18A:26-8.2) is amended to read as follows:

13. a. As used in this section, “school leader” means a school district staff member who holds a position that requires the possession of a chief school administrator, principal, or supervisor endorsement.

b. A school leader shall complete training on issues of school ethics, school law, and school governance as part of the professional development for school leaders required pursuant to State Board of Education regulations. **Information on the prevention of harassment, intimidation, and bullying shall also be included in the training.** The training shall be offered through a collaborative training model as identified by the Commissioner of Education, in consultation with the State Advisory Committee on Professional Development for School Leaders.

(cf: P.L.2007, c.53, s.13)

10. N.J.S.18A:37-2 is amended to read as follows:

18A:37-2. Any pupil who is guilty of continued and willful disobedience, or of open defiance of the authority of any teacher or person having authority over him, or of the habitual use of profanity or of obscene language, or who shall cut, deface or otherwise injure any school property, shall be liable to punishment and to suspension or expulsion from school.

Conduct which shall constitute good cause for suspension or expulsion of a pupil guilty of such conduct shall include, but not be limited to, any of the following:

a. Continued and willful disobedience;

b. Open defiance of the authority of any teacher or person, having authority over him;

- c. Conduct of such character as to constitute a continuing danger to the physical well-being of other pupils;
- d. Physical assault upon another pupil;
- e. Taking, or attempting to take, personal property or money from another pupil, or from his presence, by means of force or fear;
- f. Willfully causing, or attempting to cause, substantial damage to school property;
- g. Participation in an unauthorized occupancy by any group of pupils or others of any part of any school or other building owned by any school district, and failure to leave such school or other facility promptly after having been directed to do so by the principal or other person then in charge of such building or facility;
- h. Incitement which is intended to and does result in unauthorized occupation by any group of pupils or others of any part of a school or other facility owned by any school district;
- i. Incitement which is intended to and does result in truancy by other pupils; [and]
- j. Knowing possession or knowing consumption without legal authority of alcoholic beverages or controlled dangerous substances on school premises, or being under the influence of intoxicating liquor or controlled dangerous substances while on school premises; and

k. Harassment, intimidation, or bullying.

(cf: P.L.1981, c.59, s.1)

11. Section 2 of P.L.2002, c.83 (C.18A:37-14) is amended to read as follows:

2. As used in this act:

“Electronic communication” means a communication transmitted by means of an electronic device, including, but not limited to, a telephone, cellular phone, computer, or pager;

“Harassment, intimidation or bullying” means any gesture, any written, verbal or physical act, or any electronic communication ¹, **whether it be a single incident or a series of incidents,**¹ that is reasonably perceived as being motivated either by any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory [handicap] **disability**, or by any other distinguishing characteristic, that takes place on school property, at any school-sponsored function ¹[or] ¹on a school bus ¹, **or off school grounds as provided for in section 16 of P.L. , c. (C.) (pending before the Legislature as this bill), that substantially disrupts or interferes with the orderly operation of the school or the rights of other students**¹ and that:

- a. a reasonable person should know, under the circumstances, will have the effect of **physically or emotionally** harming a student or damaging the student's property, or placing a student in reasonable fear of **physical or emotional** harm to his person or damage to his property; [or]
- b. has the effect of insulting or demeaning any student or group of students 1[in such a way as to cause [substantial] disruption in, or [substantial] interference with, the orderly operation of the school]1 ; 1or 1
- c. **creates a hostile 1educational 1 environment 1[at school]1 for the student 1[; or**
- d. **infringes on the rights of the student at school] by interfering with a student's education or by severely or pervasively causing physical or emotional harm to the student**1.

(cf: P.L.2007, c.129, s.1)

12. Section 3 of P.L.2002, c.83 (C.18A:37-15) is amended to read as follows:

- 3. a. Each school district shall adopt a policy prohibiting harassment, intimidation or bullying on school property, at a school-sponsored function or on a school bus. The school district shall [attempt to] adopt the policy through a process that includes representation of parents or guardians, school employees, volunteers, students, administrators, and community representatives.
- b. A school district shall have local control over the content of the policy, except that the policy shall contain, at a minimum, the following components:
 - (1) a statement prohibiting harassment, intimidation or bullying of a student;
 - (2) a definition of harassment, intimidation or bullying no less inclusive than that set forth in section 2 of P.L.2002, c.83 (C.18A:37-14);
 - (3) a description of the type of behavior expected from each student;
 - (4) consequences and appropriate remedial action for a person who commits an act of harassment, intimidation or bullying;
 - (5) a procedure for reporting an act of harassment, intimidation or bullying, including a provision that permits a person to report an act of harassment, intimidation or bullying anonymously; however, this shall not be construed to permit formal disciplinary action solely on the basis of an anonymous report.

All acts of harassment, intimidation, or bullying shall be reported verbally to the school principal on the same day when the school employee or contracted service provider witnessed or received reliable information regarding any such incident. The principal shall inform the parents or guardians of all students involved in the alleged incident, and may discuss, as appropriate, the availability of counseling and

other intervention services. All acts of harassment, intimidation, or bullying shall be reported in writing to the school principal within two school days of when the school employee or contracted service provider witnessed or received reliable information that a student had been subject to harassment, intimidation, or bullying. 1[In cases in which an incident of harassment, intimidation, or bullying occurs exclusively among or between special education students or students with developmental disabilities, in the context of a county special services school district or a separate program for special education students within a school district, the school employee who witnesses such an incident of harassment, intimidation, or bullying shall have discretion to determine whether the incident is necessary to report or whether the incident may have been affected by the condition of the students and thereby warrants an alternative approach more appropriate in the special education context]1;

(6) a procedure for prompt investigation of reports of violations and complaints, [identifying either the principal or the principal's designee as the person responsible for the investigation] **which procedure shall at a minimum provide that:**

(a) the investigation shall be initiated by the principal or the principal's designee within one school day of the report of the incident and shall be conducted by a school anti-bullying specialist. The principal may appoint additional personnel who are not school anti-bullying specialists to assist in the investigation. The investigation shall be completed as soon as possible, but not later than 10 school days from the date of the 1 written 1 report of the incident of harassment, intimidation, or bullying 1. In the event that there is information relative to the investigation that is anticipated but not yet received by the end of the 10-day period, the school anti-bullying specialist may amend the original report of the results of the investigation to reflect the information1 ;

(b) the results of the investigation shall be reported to the superintendent of schools within two school days of the completion of the investigation, and in accordance with regulations promulgated by the State Board of Education pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), the superintendent may decide to provide intervention services, establish training programs to reduce harassment, intimidation, or bullying and enhance school climate, impose discipline, 1[or]1 order counseling as a result of the findings of the investigation 1, or take or recommend other appropriate action1;

(c) the results of each investigation shall be reported to the board of education no later than the date of the board of education meeting next following the completion of the investigation, along with information on any services provided, training established, 1[or]1 discipline imposed 1, 1 or 1 other action taken or 1 recommended by the superintendent;

(d) parents or guardians of the students who are parties to the investigation shall be entitled to receive information about the investigation, in accordance with federal and State law and regulation, including the nature of the investigation, whether the

district found evidence of harassment, intimidation, or bullying, or whether discipline was imposed or services provided to address the incident of harassment, intimidation, or bullying. This information shall be provided in writing within 5 school days after the results of the investigation are reported to the board. A parent or guardian may request a hearing before the board after receiving the information, and the hearing shall be held within 10 days of the request. The board shall meet in executive session for the hearing to protect the confidentiality of the students. At the hearing the board may hear from the school anti-bullying specialist about the incident, recommendations for discipline or services, and any programs instituted to reduce such incidents;

(e) at the next board of education meeting following its receipt of the report, the board shall issue a decision, in writing, to affirm, reject, or modify the superintendent's decision. The board's decision may be appealed to the Commissioner of Education, in accordance with the procedures set forth in law and regulation, no later than the 90 days after the issuance of the board's decision; and

(f) a parent, student, guardian, or organization may file a complaint with the Division on Civil Rights within 180 days of the occurrence of any incident of harassment, intimidation, or bullying based on membership in a protected group as enumerated in the "Law Against Discrimination," P.L.1945, c.169 (C.10:5-1 et seq.);

(7) the range of ways in which a school will respond once an incident of harassment, intimidation or bullying is identified, which shall be defined by the principal in conjunction with the school anti-bullying specialist, but shall include an appropriate combination of counseling, support services, intervention services, and other programs, as defined by the commissioner;

(8) a statement that prohibits reprisal or retaliation against any person who reports an act of harassment, intimidation or bullying and the consequence and appropriate remedial action for a person who engages in reprisal or retaliation;

(9) consequences and appropriate remedial action for a person found to have falsely accused another as a means of retaliation or as a means of harassment, intimidation or bullying;

(10) a statement of how the policy is to be publicized, including notice that the policy applies to participation in school-sponsored functions; [and]

(11) a requirement that [the] a link to the policy be prominently posted on the home page of the school district's website and distributed annually to parents and guardians who have children enrolled in a school in the school district; and

(12) a requirement that the name, 1 school 1 phone number, 1 school 1 address and 1 school 1 email address of the district anti-bullying coordinator be listed on the home page of the school district's website and that on the home page of each school's website the name, 1 school 1 phone number, 1 school 1 address and 1 school 1 email address of the school anti-bullying specialist and the district anti-bullying

coordinator be listed. The information concerning the district anti-bullying coordinator and the school anti-bullying specialists shall also be maintained on the department's website.

c. A school district shall adopt a policy and transmit a copy of its policy to the appropriate executive county superintendent of schools by September 1, 2003. A school district shall annually conduct a re-evaluation, reassessment, and review of its policy, making any necessary revisions and additions. The board shall include input from the school anti-bullying 1[specialist] specialists1 in conducting its re-evaluation, reassessment, and review. The district shall transmit a copy of the revised policy to the appropriate executive county superintendent of schools within 30 school days of the revision. The first revised policy following the effective date of P.L. , c. (C.) (pending before the Legislature as this bill) shall be transmitted to the executive county superintendent of schools by September 1, 2011.

d. [To assist school districts in developing policies for the prevention of harassment, intimidation or bullying, the Commissioner of Education shall develop a model policy applicable to grades kindergarten through 12. This model policy shall be issued no later than December 1, 2002.] 1[Deleted by amendment, P.L. , c. (C.) (pending before the Legislature as this bill)]

(1) To assist school districts in developing policies for the prevention of harassment, intimidation, or bullying, the Commissioner of Education shall develop a model policy applicable to grades kindergarten through 12. This model policy shall be issued no later than December 1, 2002.

(2) The commissioner shall adopt amendments to the model policy which reflect the provisions of P.L. , c. (C.) (pending before the Legislature as this bill) no later than 90 days after the effective date of that act and shall subsequently update the model policy as the commissioner deems necessary.1

e. Notice of the school district's policy shall appear in any publication of the school district that sets forth the comprehensive rules, procedures and standards of conduct for schools within the school district, and in any student handbook.

f. Nothing in this section shall prohibit a school district from adopting a policy that includes components that are more stringent than the components set forth in this section.

(cf: P.L.2007, c.303, s.7)

13. Section 4 of P.L.2002, c.83 (C.18A:37-16) is amended to read as follows:

4. a. A **member of a board of education**, school employee, student or volunteer shall not engage in reprisal, retaliation or false accusation against a victim, witness or one with reliable information about an act of harassment, intimidation or bullying.

b. A **member of a board of education**, school employee, **contracted service provider**, student or volunteer who has witnessed, or has reliable information that a student has been subject to, harassment, intimidation or bullying shall report the incident to the appropriate school official designated by the school district's policy, **or to any school administrator or safe schools resource officer, who shall immediately initiate the school district's procedures concerning school bullying.**

c. A **member of a board of education or a** school employee who promptly reports an incident of harassment, intimidation or bullying, to the appropriate school official designated by the school district's policy, **or to any school administrator or safe schools resource officer**, and who makes this report in compliance with the procedures in the district's policy, is immune from a cause of action for damages arising from any failure to remedy the reported incident.

d. A school administrator who receives a report of harassment, intimidation, or bullying from a district employee, and fails to initiate or conduct an investigation, or who should have known of an incident of harassment, intimidation, or bullying and fails to take sufficient action to minimize or eliminate the harassment, intimidation, or bullying, may be subject to disciplinary action.

(cf: P.L.2002, c.83, s.4)

14. Section 5 of P.L.2002, c.83 (C.18A:37-17) is amended to read as follows:

5. a. Schools and school districts [are encouraged to] **shall annually** establish, **implement, document, and assess** bullying prevention programs **or approaches**, and other initiatives involving school staff, students, administrators, volunteers, parents, law enforcement and community members. **The programs or approaches shall be designed to create school-wide conditions to prevent and address harassment, intimidation, and bullying.**

A school district may apply to the Department of Education for a grant to be used for programs or approaches established pursuant to this subsection, to the extent funds are appropriated for these purposes or funds are made available through the Bullying Prevention Fund established pursuant to section 25 of P.L. , c. (C.) (pending before the Legislature as this bill).

b. [To the extent funds are appropriated for these purposes, a] **A** school district shall: (1) provide training on the school district's harassment, intimidation, or bullying policies to school employees and volunteers who have significant contact with students; [and] (2) **ensure that the training includes instruction on preventing bullying on the basis of the protected categories enumerated in section 2 of P.L.2002, c.83 (C.18A:37-14) and other distinguishing characteristics that may incite incidents of discrimination, harassment, intimidation, or bullying; and (3)** develop a process for discussing the district's harassment, intimidation or bullying policy with students.

c. Information regarding the school district policy against harassment, intimidation or bullying shall be incorporated into a school's employee training program **and shall be provided to full-time and part-time staff, volunteers who have significant contact with students, and those persons contracted by the district to provide services to students.**

(cf: P.L.2002, c.83, s.5)

15. Section 2 of P.L.2005, c.276 (C.52:17B-71.8) is amended to read as follows:

2. a. The Police Training Commission in the Division of Criminal Justice in the Department of Law and Public Safety, in consultation with the Attorney General, shall develop a training course for safe schools resource officers and public school employees assigned by a board of education to serve as a school liaison to law enforcement. The Attorney General, in conjunction with the Police Training Commission, shall ensure that the training course is developed within 180 days of the effective date of this act. The course shall at a minimum provide comprehensive and consistent training in current school resource officer practices and concepts. **The course shall include training in the protection of students from harassment, intimidation, and bullying, including incidents which occur through electronic communication.** The course shall be made available to:

(1) any law enforcement officer or public school employee referred by the board of education of the public school to which assignment as a safe schools resource officer or school liaison to law enforcement is sought; and

(2) any safe schools resource officer or school liaison to law enforcement assigned to a public school prior to the effective date of P.L.2005, c.276 (C.52:17B-71.8 et al.).

b. The training course developed by the commission pursuant to subsection a. of this section shall be offered at each school approved by the commission to provide police training courses pursuant to the provisions of P.L.1961, c.56 (C.52:17B-66 et seq.). The commission shall ensure that an individual assigned to instruct the course is proficient and experienced in current school resource officer practices and concepts.

c. The commission shall award a certificate to each individual who successfully completes the course.

d. The Police Training Commission, in consultation with the Commissioner of Education, shall adopt rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to implement the provisions of this section.

(cf: P.L.2005, c.276, s.2)

16. (New section) The policy adopted by each school district pursuant to section 3 of P.L.2002, c.83 (C.18A:37-15) shall include provisions for appropriate responses to harassment, intimidation, or bullying 1, **as defined in section 2 of P.L.2002, c.83 (C.18A:37-14),** 1 that occurs off school grounds, in cases in which a school employee is

made aware of such actions 1[, and such actions create a hostile environment at school for the student, infringe on the rights of the student at school, or disrupt the education process or orderly operation of a school]1. The responses to harassment, intimidation, or bullying that occurs off school grounds shall be consistent with the board of education's code of student conduct and other provisions of the board's policy on harassment, intimidation, or bullying.

17. (New section) a. The principal in each school in a school district shall appoint a school anti-bullying specialist. When a school guidance counselor, school psychologist, or another individual similarly trained is currently employed in the school, the principal shall appoint that individual to be the school anti-bullying specialist. If no individual meeting this criteria is currently employed in the school, the principal shall appoint a school anti-bullying specialist from currently employed school personnel. The school anti-bullying specialist shall:

(1) chair the school safety team as provided in section 18 of P.L. c. , (C.) (pending before the Legislature as this bill);

(2) lead the investigation of incidents of harassment, intimidation, and bullying in the school; and

(3) act as the primary school official responsible for preventing, identifying, and addressing incidents of harassment, intimidation, and bullying in the school.

b. The superintendent of schools shall appoint a district anti-bullying coordinator. The superintendent shall make every effort to appoint an employee of the school district to this position. The district anti-bullying coordinator shall:

(1) be responsible for coordinating and strengthening the school district's policies to prevent, identify, and address harassment, intimidation, and bullying of students;

(2) collaborate with school anti-bullying specialists in the district, the board of education, and the superintendent of schools to prevent, identify, and respond to harassment, intimidation, and bullying of students in the district;

(3) provide data, in collaboration with the superintendent of schools, to the Department of Education regarding harassment, intimidation, and bullying of students; and

(4) execute such other duties related to school harassment, intimidation, and bullying as requested by the superintendent of schools.

c. The district anti-bullying coordinator shall meet at least twice a school year 1[, once in the first semester and once in the second semester,]1 with the school anti-bullying specialists in the district to discuss and strengthen procedures and policies to prevent, identify, and address harassment, intimidation, and bullying in the district.

18. (New section) a. A school district shall form a school safety team in each school in the district to develop, foster, and maintain a positive school climate by focusing on the

on-going, systemic process and practices in the school and to address school climate issues such as harassment, intimidation, or bullying. A school safety team shall meet at least two times per school year 1[, once in the first semester and once in the second semester]1.

b. A school safety team shall consist of the principal or his designee who, if possible, shall be a senior administrator in the school and the following appointees of the principal: a teacher in the school; a school anti-bullying specialist; a parent of a student in the school; and other members to be determined by the principal. The school anti-bullying specialist shall serve as the chair of the school safety team.

c. The school safety team shall:

(1) receive any complaints of harassment, intimidation, or bullying of students that have been reported to the principal;

(2) receive copies of any report prepared after an investigation of an incident of harassment, intimidation, or bullying;

(3) identify and address patterns of harassment, intimidation, or bullying of students in the school;

(4) review and strengthen school climate and the policies of the school in order to prevent and address harassment, intimidation, or bullying of students;

(5) educate the community, including students, teachers, administrative staff, and parents, to prevent and address harassment, intimidation, or bullying of students;

(6) participate in the training required pursuant to the provisions of P.L.2002, c.83 (C.18A:37-13 et seq.) and other training which the principal or the district anti-bullying coordinator may request;

(7) collaborate with the district anti-bullying coordinator in the collection of district-wide data and in the development of district policies to prevent and address harassment, intimidation, or bullying of students; and

(8) execute such other duties related to harassment, intimidation, and bullying as requested by the principal or district anti-bullying coordinator.

d. The members of a school safety team shall be provided professional development opportunities that address effective practices of successful school climate programs or approaches.

1e. Notwithstanding any provision of this section to the contrary, a parent who is a member of the school safety team shall not participate in the activities of the team set forth in paragraphs (1), (2), or (3) of subsection c. of this section or any other activities of the team which may compromise the confidentiality of a student.¹

19. (New section) a. Beginning with the 1[2011-2012] **2012-2013**1 school year, all candidates for teaching certification 1**who have completed a teacher preparation program at a regionally-accredited institution of higher education**1 shall 1**have** 1 satisfactorily 1[complete] **completed**1 a program on harassment, intimidation, and bullying prevention.

b. Beginning with the 1[2010-2011] **2011-2012**1 school year, any person seeking certification through the alternate route shall, within one year of being employed, satisfactorily complete a program on harassment, intimidation, and bullying prevention.

c. The State Board of Education shall establish the appropriate requirements of the program on harassment, intimidation, and bullying prevention.

d. The State board shall, as part of the professional development requirement established by the State board for public school teachers, require each public school teacher to complete at least two hours of instruction on harassment, intimidation, or bullying prevention in each professional development period.

20. (New section) Beginning with the 1[2011-2012] **2012-2013**1 school year, all candidates for administrative 1**and supervisory**1 certification shall 1**have** 1 satisfactorily 1[complete] **completed**1 a program on harassment, intimidation, and bullying prevention.

21. (New section) a. The Department of Education, in consultation with the Division on Civil Rights in the Department of Law and Public Safety shall develop a guidance document for use by parents or guardians, students, and school districts to assist in resolving complaints concerning student harassment, intimidation, or bullying behaviors and the implementation of P.L.2002, c.83 (C.18A:37-13 et seq.) by school districts. The document shall include:

(1) a school district's obligations under P.L.2002, c.83 (C.18A:37-13 et seq.);

(2) best practices for the prevention, intervention, and remediation of harassment, intimidation, or bullying in schools, including methods to identify and assist student populations at high risk for harassment, intimidation, or bullying;

(3) a clear explanation of the procedures for petitioning the Commissioner of Education to hear and decide disputes concerning P.L.2002, c.83 (C.18A:37-13 et seq.);

(4) a clear explanation of the Division on Civil Rights' jurisdiction and services in regard to specific types of harassment, intimidation, or bullying; and

(5) a clear explanation of the process for appealing final agency determinations to the Appellate Division of the Superior Court.

b. The guidance document shall be available on the Department of Education's and the Division on Civil Rights' Internet sites and on every school district's Internet site at an easily accessible location.

22. (New section) a. The Commissioner of Education shall establish a formal protocol pursuant to which the office of the executive county superintendent of schools shall investigate a complaint that documents an allegation of a violation of P.L.2002, c.83 (C.18A:37-13 et seq.) by a school district located within the county, when the complaint has not been adequately addressed on the local level. The office of the executive county superintendent shall report its findings, and if appropriate, issue an order for the school district to develop and implement corrective actions that are specific to the facts of the case.

b. The commissioner shall ensure that the personnel of the office of the executive county superintendent of schools who are responsible for conducting the investigations receive training and technical support on the use of the complaint investigation protocol.

23. (New section) a. The Commissioner of Education, in consultation with recognized experts in school bullying from a cross section of academia, child advocacy organizations, nonprofit organizations, professional associations, and government agencies, shall establish inservice workshops and training programs to train selected public school employees to act as district anti-bullying coordinators and school anti-bullying specialists in accordance with the provisions of P.L. , c. (C.) (pending before the Legislature as this bill). The commissioner shall seek to make the workshops and training programs available and administered online through the department's website or other existing online resources. The commissioner shall evaluate the effectiveness of the consulting group on an annual basis. The inservice training programs may utilize the offices of the executive county superintendent of schools, or such other institutions, agencies, or persons as the commissioner deems appropriate. Each board of education shall provide time for the inservice training during the usual school schedule in order to ensure that appropriate personnel are prepared to act in the district as district anti-bullying coordinators and school anti-bullying specialists.

b. Upon completion of the initial inservice training program, the commissioner shall ensure that programs and workshops that reflect the most current information on harassment, intimidation, and bullying in schools are prepared and made available to district anti-bullying coordinators and school anti-bullying specialists at regular intervals.

24. (New section) The Commissioner of Education shall develop, in consultation with the Division on Civil Rights, and make available on the Department of Education's Internet site, an online tutorial on harassment, intimidation, and bullying. The online tutorial shall, at a minimum, include best practices in the prevention of harassment, intimidation, and bullying, applicable laws, and such other information that the commissioner determines to be appropriate. The online tutorial shall be accompanied by a test to assess a person's understanding of the information provided in the tutorial.

25. (New section) There is created a special fund in the Department of Education, which shall be designated the "Bullying Prevention Fund." The fund shall be maintained in a separate account and administered by the commissioner to carry out the provisions of this act. The fund shall consist of: (1) any monies appropriated by the State for the purposes of the fund; (2) any monies donated for the purposes of the fund; and (3) all interest and

investment earnings received on monies in the fund. The fund shall be used to offer grants to school districts to provide training on harassment, intimidation, and bullying prevention and on the effective creation of positive school climates.

26. (New section) The week beginning with the first Monday in October of each year is designated as a “Week of Respect” in the State of New Jersey. School districts, in order to recognize the importance of character education, shall observe the week by providing age-appropriate instruction focusing on preventing harassment, intimidation, or bullying as defined in section 2 of P.L.2002, c.83 (C.18A:37-14). Throughout the school year the school district shall provide ongoing age-appropriate instruction on preventing harassment, intimidation, and bullying in accordance with the core curriculum content standards.

27. (New section) Nothing contained in 1 P.L. , c. (C.) (pending before the Legislature as this bill) shall be construed as affecting the provisions of any collective bargaining agreement or individual contract of employment in effect on that act's effective date.

28. (New section) a. A public institution of higher education shall adopt a policy to be included in its student code of conduct prohibiting harassment, intimidation, or bullying. The policy shall contain, at a minimum:

(1) A statement prohibiting harassment, intimidation, or bullying;

(2) Disciplinary actions which may result if a student commits an act of harassment, intimidation, or bullying; and

(3) A definition of harassment, intimidation, or bullying that at a minimum includes any gesture, any written, verbal or physical act, or any electronic communication¹, **whether it be a single incident or a series of incidents**,¹ that is reasonably perceived as being motivated either by any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory disability, or by any other distinguishing characteristic, that takes place on the property of the institution of higher education or at any function sponsored by the institution of higher education¹, **that substantially disrupts or interferes with the orderly operation of the institution or the rights of other students**¹ and that:

(a) a reasonable person should know, under the circumstances, will have the effect of physically or emotionally harming a student or damaging the student's property, or placing a student in reasonable fear of physical or emotional harm to his person or damage to his property;

(b) has the effect of insulting or demeaning any student or group of students¹ [in such a way as to cause disruption in, or interference with, the orderly operation of the institution of higher education]¹; **or**¹

(c) creates a hostile **educational**¹ environment for the student¹ [at the institution of higher education]; or

(d) infringes on the rights of the student at the institution of higher education] **by interfering with a student's education or by severely or pervasively causing physical or emotional harm to the student**¹.

b. The institution shall distribute the policy by email to each student within seven days of the start of each semester and shall post the policy on its website.

129. (New section) a. Nonpublic schools are encouraged to comply with the provisions of the "Anti-Bullying Bill of Rights Act," P.L.2002, c.83 (C.18A:37-13 et seq.), as amended and supplemented by P.L. , c. (C.) (pending before the Legislature as this bill).

b. In the case of a faith-based nonpublic school, no provision of the "Anti-Bullying Bill of Rights Act," P.L.2002, c.83 (C.18A:37-13 et seq.), as amended and supplemented by P.L. , c. (C.) (pending before the Legislature as this bill), shall be interpreted to prohibit or abridge the legitimate statement, expression or free exercise of the beliefs or tenets of that faith by the religious organization operating the school or by the school's faculty, staff, or student body.¹

130. (New section) Nothing contained in the "Anti-Bullying Bill of Rights Act," P.L.2002, c.83 (C.18A:37-13 et seq.), as amended and supplemented by P.L. , c. (C.) (pending before the Legislature as this bill), shall alter or reduce the rights of a student with a disability with regard to disciplinary actions or to general or special educational services and supports.¹

1[29.] **31.**¹ This act shall take effect in the first school year following enactment, but the Commissioner of Education may take such anticipatory administrative action in advance thereof as shall be necessary for the implementation of this act.

NEW MEXICO

2011 N.M. LAWS CH. 50 (S.B. 78). SCHOOL DISTRICT BULLYING PREVENTION PROGRAMS

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. A new section of the Public School Code is enacted to read:

"BULLYING PREVENTION PROGRAMS.--The department shall establish guidelines for bullying prevention policies to be promulgated by local school boards. Every local school board shall promulgate a bullying prevention policy by August 2011. Every public school shall implement a bullying prevention program by August 2012."

NEW YORK

N.Y. EDUC. LAW § 814 (2011). COURSES OF STUDY IN INTERNET SAFETY

1. Any school district in the state may provide, to pupils in grades kindergarten through twelve, instruction designed to promote the proper and safe use of the internet.
2. The commissioner shall provide technical assistance to assist in the development of curricula for such courses of study which shall be age appropriate and developed according to the needs and abilities of pupils at successive grade levels in order to provide awareness, skills, information and support to aid in the safe usage of the internet.
3. The commissioner shall develop age-appropriate resources and technical assistance for schools to provide to students in grades three through twelve and their parents or legal guardians concerning the safe and responsible use of the internet. The resources shall include, but not be limited to, information regarding how child predators may use the internet to lure and exploit children, protecting personal information, internet scams and cyber-bullying.

THE FOLLOWING BILL HAS NOT BEEN ENACTED AND IS CURRENTLY NOT THE LAW OF NEW YORK. A. 2657, 234TH SESS. (N.Y. 2011). INCREASES PENALTY FOR HARASSMENT WHEN CONDUCT IS COMMITTED ON SCHOOL GROUNDS OR TO A CHILD

Bill Status: In Committee on Assembly Codes as of 01/19/2011

AN ACT to amend the penal law, in relation to the crime of aggravated harassment in the second degree

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 240.30 of the penal law is amended by adding a new subdivision 3-a to read as follows:

3-a. Commits any of the following to a person on school grounds, as that term is defined in subdivision fourteen of section 220.00 of this chapter, or to a person under sixteen years of age:

- a. Strikes, shoves, kicks or otherwise subjects such person to physical contact, or attempts or threatens to do the same; or
- b. Follows such person in or about a public place or places; or
- c. Engages in a course of conduct or repeatedly commits acts which alarm or seriously annoy such person and which serve no legitimate purpose; or

§ 2. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.

NORTH CAROLINA

N.C. GEN. STAT. § 115C-407.15 (2010). BULLYING AND HARASSING BEHAVIOR

(a) As used in this Article, "bullying or harassing behavior" is any pattern of gestures or written, electronic, or verbal communications, or any physical act or any threatening communication, that takes place on school property, at any school-sponsored function, or on a school bus, and that:

(1) Places a student or school employee in actual and reasonable fear of harm to his or her person or damage to his or her property; or

(2) Creates or is certain to create a hostile environment by substantially interfering with or impairing a student's educational performance, opportunities, or benefits. For purposes of this section, "hostile environment" means that the victim subjectively views the conduct as bullying or harassing behavior and the conduct is objectively severe or pervasive enough that a reasonable person would agree that it is bullying or harassing behavior.

Bullying or harassing behavior includes, but is not limited to, acts reasonably perceived as being motivated by any actual or perceived differentiating characteristic, such as race, color, religion, ancestry, national origin, gender, socioeconomic status, academic status, gender identity, physical appearance, sexual orientation, or mental, physical, developmental, or sensory disability, or by association with a person who has or is perceived to have one or more of these characteristics.

(b) No student or school employee shall be subjected to bullying or harassing behavior by school employees or students.

(c) No person shall engage in any act of reprisal or retaliation against a victim, witness, or a person with reliable information about an act of bullying or harassing behavior.

(d) A school employee who has witnessed or has reliable information that a student or school employee has been subject to any act of bullying or harassing behavior shall report the incident to the appropriate school official.

(e) A student or volunteer who has witnessed or has reliable information that a student or school employee has been subject to any act of bullying or harassing behavior should report the incident to the appropriate school official.

N.C. GEN. STAT. § 115C-407.16 (2010). POLICY AGAINST BULLYING OR HARASSING BEHAVIOR

(a) Before December 31, 2009, each local school administrative unit shall adopt a policy prohibiting bullying or harassing behavior.

(b) The policy shall contain, at a minimum, the following components:

(1) A statement prohibiting bullying or harassing behavior.

(2) A definition of bullying or harassing behavior no less inclusive than that set forth in this Article.

(3) A description of the type of behavior expected for each student and school employee.

(4) Consequences and appropriate remedial action for a person who commits an act of bullying or harassment.

(5) A procedure for reporting an act of bullying or harassment, including a provision that permits a person to report such an act anonymously. This shall not be construed to permit formal disciplinary action solely on the basis of an anonymous report.

(6) A procedure for prompt investigation of reports of serious violations and complaints of any act of bullying or harassment, identifying either the principal or the principal's designee as the person responsible for the investigation.

(7) A statement that prohibits reprisal or retaliation against any person who reports an act of bullying or harassment, and the consequence and appropriate remedial action for a person who engages in reprisal or retaliation.

(8) A statement of how the policy is to be disseminated and publicized, including notice that the policy applies to participation in school-sponsored functions.

(c) Nothing in this Article shall prohibit a local school administrative unit from adopting a policy that includes components beyond the minimum components provided in this section or that is more inclusive than the requirements of this Article.

(d) Notice of the local policy shall appear in any school unit publication that sets forth the comprehensive rules, procedures, and standards of conduct for schools within the school unit and in any student and school employee handbook.

(e) Information regarding the local policy against bullying or harassing behavior shall be incorporated into a school's employee training program.

(f) To the extent funds are appropriated for these purposes, a local school administrative

unit shall, by March 1, 2010, provide training on the local policy to school employees and volunteers who have significant contact with students.

NORTH DAKOTA

2011 N.D. LAWS CH. 141 (H.B. 1465). SCHOOLS AND SCHOOL DISTRICTS-- BULLYING--PREVENTION

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:
SECTION 1. A new section to chapter 15.1–19 of the North Dakota Century Code is created and enacted as follows:

<< ND ST 15.1–19 >>

Bullying--Definition

As used in this Act:

1. “Bullying” means:

a. Conduct that occurs in a public school, on school district premises, in a district owned or leased schoolbus or school vehicle, or at any public school or school district sanctioned or sponsored activity or event and which:

(1) Is so severe, pervasive, or objectively offensive that it substantially interferes with the student's educational opportunities;

(2) Places the student in actual and reasonable fear of harm;

(3) Places the student in actual and reasonable fear of damage to property of the student;
or

(4) Substantially disrupts the orderly operation of the public school; or

b. Conduct that is received by a student while the student is in a public school, on school district premises, in a district owned or leased schoolbus or school vehicle, or at any public school or school district sanctioned or sponsored activity or event and which:

(1) Is so severe, pervasive, or objectively offensive that it substantially interferes with the student's educational opportunities;

(2) Places the student in actual and reasonable fear of harm;

(3) Places the student in actual and reasonable fear of damage to property of the student;
or

(4) Substantially disrupts the orderly operation of the public school.

2. “Conduct” includes the use of technology or other electronic media.

SECTION 2. A new section to chapter 15.1–19 of the North Dakota Century Code is created and enacted as follows:

<< ND ST 15.1–19 >>

Bullying--Prohibition by policy

1. Before July 1, 2012, each school district shall adopt a policy providing that while at a public school, on school district premises, in a district owned or leased schoolbus or school vehicle, or at any public school or school district sanctioned or sponsored activity or event, a student may not:

a. Engage in bullying; or

b. Engage in reprisal or retaliation against:

(1) A victim of bullying;

(2) An individual who witnesses an alleged act of bullying;

(3) An individual who reports an alleged act of bullying; or

(4) An individual who provides information about an alleged act of bullying.

2. The policy required by this section must:

a. Include a definition of bullying that at least encompasses the conduct described in section 1 of this Act;

b. Establish procedures for reporting and documenting alleged acts of bullying, reprisal, or retaliation, and include procedures for anonymous reporting of such acts;

c. Establish procedures, including timelines, for school district personnel to follow in investigating reports of alleged bullying, reprisal, or retaliation;

d. Establish a schedule for the retention of any documents generated while investigating reports of alleged bullying, reprisal, or retaliation;

e. Set forth the disciplinary measures applicable to an individual who engaged in bullying or who engaged in reprisal or retaliation, as set forth in subsection 1;

f. Require the notification of law enforcement personnel if an investigation by school district personnel results in a reasonable suspicion that a crime might have occurred;

g. Establish strategies to protect a victim of bullying, reprisal, or retaliation; and

h. Establish disciplinary measures to be imposed upon an individual who makes a false accusation, report, or complaint pertaining to bullying, reprisal, or retaliation.

3. In developing the bullying policy required by this section, a school district shall involve parents, school district employees, volunteers, students, school district administrators, law enforcement personnel, domestic violence sexual assault organizations as defined by subsection 3 of section 14–07.1–01, and community representatives.

4. Upon completion of the policy required by this section, a school district shall:

a. Ensure that the policy is explained to and discussed with its students;

b. File a copy of the policy with the superintendent of public instruction; and

c. Make the policy available in student and personnel handbooks.

5. Each school district shall review and revise its policy as it determines necessary and shall file a copy of the revised policy with the superintendent of public instruction.

SECTION 3. A new section to chapter 15.1–19 of the North Dakota Century Code is created and enacted as follows:

<< ND ST 15.1–19 >>

Professional development activities

Each school district shall include, in professional development activities, information regarding the prevention of bullying and shall provide information regarding the prevention of bullying to all volunteers and nonlicensed personnel who have contact with students.

SECTION 4. A new section to chapter 15.1–19 of the North Dakota Century Code is created and enacted as follows:

<< ND ST 15.1–19 >>

Bullying prevention programs

Each school district shall provide bullying prevention programs to all students from kindergarten through grade twelve.

SECTION 5. A new section to chapter 15.1–19 of the North Dakota Century Code is created and enacted as follows:

<< ND ST 15.1–19 >>

Causes of action--Immunity--School districts

1. This Act does not prevent a victim from seeking redress pursuant to any other applicable civil or criminal law. This Act does not create or alter any civil cause of action for monetary damages against any person or school district, nor does this Act constitute grounds for any claim or motion raised by either the state or a defendant in any proceedings.

2. Any individual who promptly, reasonably, and in good faith reports an incident of bullying, reprisal, or retaliation to the school district employee or official designated in the school district bullying policy is immune from civil or criminal liability resulting from or relating to the report or to the individual's participation in any administrative or judicial proceeding stemming from the report.

3. A school district and its employees are immune from any liability that might otherwise be incurred as a result of a student having been the recipient of bullying, if the school district implemented a bullying policy, as required by section 2 of this Act and substantially complied with that policy.

SECTION 6. A new section to chapter 15.1–19 of the North Dakota Century Code is created and enacted as follows:

<< ND ST 15.1–19 >>

Causes of action--Immunity--Nonpublic schools

1. This Act does not prevent a victim from seeking redress pursuant to any other applicable civil or criminal law. This Act does not create or alter any civil cause of action for monetary damages against any person or nonpublic school, nor does this Act constitute grounds for any claim or motion raised by either the state or a defendant in any proceedings.

2. Any individual who promptly, reasonably, and in good faith reports an incident of bullying, reprisal, or retaliation to the nonpublic school employee or official designated in the school's bullying policy is immune from civil or criminal liability resulting from or relating to the report or to the individual's participation in any administrative or judicial proceeding stemming from the report.

3. A nonpublic school and its employees are immune from any liability that might otherwise be incurred as a result of a student having been the recipient of bullying, if the school implemented a bullying policy, similar to that required by section 2 of this Act and substantially complied with that policy.

OHIO

OHIO REV. CODE ANN. § 3313.666 (2011). POLICY PROHIBITING HARASSMENT, INTIMIDATION, OR BULLYING; IMMUNITY FOR REPORTING

(A) As used in this section, “harassment, intimidation, or bullying” means either of the following:

(1) Any intentional written, verbal, or physical act that a student has exhibited toward another particular student more than once and the behavior both:

(a) Causes mental or physical harm to the other student;

(b) Is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment for the other student.

(2) Violence within a dating relationship.

(B) The board of education of each city, local, exempted village, and joint vocational school district shall establish a policy prohibiting harassment, intimidation, or bullying. The policy shall be developed in consultation with parents, school employees, school volunteers, students, and community members. The policy shall include the following:

(1) A statement prohibiting harassment, intimidation, or bullying of any student on school property or at school-sponsored events;

(2) A definition of harassment, intimidation, or bullying that shall include the definition in division (A) of this section;

(3) A procedure for reporting prohibited incidents;

(4) A requirement that school personnel report prohibited incidents of which they are aware to the school principal or other administrator designated by the principal;

(5) A requirement that parents or guardians of any student involved in a prohibited incident be notified and, to the extent permitted by section 3319.321 of the Revised Code and the “Family Educational Rights and Privacy Act of 1974,” 88 Stat. 571, 20 U.S.C. 1232q, as amended, have access to any written reports pertaining to the prohibited incident;

(6) A procedure for documenting any prohibited incident that is reported;

(7) A procedure for responding to and investigating any reported incident;

(8) A strategy for protecting a victim from additional harassment, intimidation, or bullying, and from retaliation following a report;

(9) A disciplinary procedure for any student guilty of harassment, intimidation, or bullying, which shall not infringe on any student's rights under the first amendment to the Constitution of the United States;

(10) A requirement that the district administration semiannually provide the president of the district board a written summary of all reported incidents and post the summary on its web site, if the district has a web site, to the extent permitted by section 3319.321 of the Revised Code and the "Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232q, as amended.

(C) Each board's policy shall appear in any student handbooks, and in any of the publications that set forth the comprehensive rules, procedures, and standards of conduct for schools and students in the district. Information regarding the policy shall be incorporated into employee training materials.

(D) A school district employee, student, or volunteer shall be individually immune from liability in a civil action for damages arising from reporting an incident in accordance with a policy adopted pursuant to this section if that person reports an incident of harassment, intimidation, or bullying promptly in good faith and in compliance with the procedures as specified in the policy.

(E) Except as provided in division (D) of this section, nothing in this section prohibits a victim from seeking redress under any other provision of the Revised Code or common law that may apply.

(F) This section does not create a new cause of action or a substantive legal right for any person.

(G) Not later than six months after the effective date of this amendment, each board shall update the policy adopted under this section to include violence within a dating relationship.

OHIO REV. CODE ANN. § 3313.667 (2011). BULLYING PREVENTION TASK FORCES, PROGRAMS, AND INITIATIVES

(A) Any school district may form bullying prevention task forces, programs, and other initiatives involving volunteers, parents, law enforcement, and community members.

(B) To the extent that state or federal funds are appropriated for these purposes, each school district shall:

(1) Provide training, workshops, or courses on the district's harassment, intimidation, or bullying policy adopted pursuant to section 3313.666 of the Revised Code to school employees and volunteers who have direct contact with students. Time spent by school employees in the training, workshops, or courses shall apply towards any state- or district-mandated continuing education requirements.

(2) Develop a process for educating students about the policy.

(C) This section does not create a new cause of action or a substantive legal right for any person.

THE FOLLOWING BILL HAS NOT BEEN ENACTED AND IS CURRENTLY NOT THE LAW OF OHIO. H.R. 116, 129TH GEN. ASSEM., 2011-12 REG. SESS. (OHIO 2011). TO ENACT THE SCHOOL DAY SECURITY AND ANTI-BULLYING ACT TO REQUIRE AGE-APPROPRIATE INSTRUCTION ON AND PARENTAL NOTIFICATION OF PUBLIC SCHOOLS' POLICIES PROHIBITING HARASSMENT, INTIMIDATION, OR BULLYING.

Bill Status: Passed House. In Senate Committee on Education as of 06/23/2011

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 3313.666 and 3313.667 of the Revised Code be amended to read as follows:

Sec. 3313.666. (A) As used in this section, “harassment, intimidation, or bullying” means either of the following:

(1) Any intentional written, verbal, or physical act that a student has exhibited toward another particular student more than once and the behavior both:

(a) Causes mental or physical harm to the other student;

(b) Is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment for the other student.

(2) Violence within a dating relationship.

(B) The board of education of each city, local, exempted village, and joint vocational school district shall establish a policy prohibiting harassment, intimidation, or bullying. The policy shall be developed in consultation with parents, school employees, school volunteers, students, and community members. The policy shall include the following:

(1) A statement prohibiting harassment, intimidation, or bullying of any student on school property or at school-sponsored events;

(2) A definition of harassment, intimidation, or bullying that shall include the definition in division (A) of this section;

(3) A procedure for reporting prohibited incidents;

- (4) A requirement that school personnel report prohibited incidents of which they are aware to the school principal or other administrator designated by the principal;
- (5) A requirement that ~~parents~~ **the custodial parent** or ~~guardians~~ **guardian** of any student involved in a prohibited incident be notified and, to the extent permitted by section 3319.321 of the Revised Code and the “Family Educational Rights and Privacy Act of 1974,” 88 Stat. 571, 20 U.S.C. ~~1232g~~ **1232g**, as amended, have access to any written reports pertaining to the prohibited incident;
- (6) A procedure for documenting any prohibited incident that is reported;
- (7) A procedure for responding to and investigating any reported incident;
- (8) A strategy for protecting a victim from additional harassment, intimidation, or bullying, and from retaliation following a report;
- (9) A disciplinary procedure for any student guilty of harassment, intimidation, or bullying, which shall not infringe on any student's rights under the first amendment to the Constitution of the United States;
- (10) A requirement that the district administration semiannually provide the president of the district board a written summary of all reported incidents and post the summary on its web site, if the district has a web site, to the extent permitted by section 3319.321 of the Revised Code and the “Family Educational Rights and Privacy Act of 1974,” 88 Stat. 571, 20 U.S.C. ~~1232g~~ **1232g**, as amended.
- (C) Each board's policy shall appear in any student handbooks, and in any of the publications that set forth the comprehensive rules, procedures, and standards of conduct for schools and students in the district. Information regarding the policy shall be incorporated into employee training materials.
- (D) (1) To the extent that state or federal funds are appropriated for this purpose, each board shall require that all students enrolled in the district annually be provided with age-appropriate instruction, as determined by the board on the board's policy, including a discussion of the consequences for violations of the policy.**
- (2) Each board shall require that once each school year a written statement describing the policy and the consequences for violations of the policy be sent to each student's custodial parent or guardian. The statement may be sent with regular student report cards.**
- (E)** A school district employee, student, or volunteer shall be individually immune from liability in a civil action for damages arising from reporting an incident in accordance with a policy adopted pursuant to this section if that person reports an incident of harassment, intimidation, or bullying promptly in good faith and in compliance with the procedures as specified in the policy.

~~(E)~~**(F)** Except as provided in division ~~(D)~~**(E)** of this section, nothing in this section prohibits a victim from seeking redress under any other provision of the Revised Code or common law that may apply.

~~(F)~~**(G)** This section does not create a new cause of action or a substantive legal right for any person.

~~(G)~~**(H)** Not later than six months after the effective date of this amendment **September 29, 2010**, each board shall update the policy adopted under this section to include violence within a dating relationship.

Sec. 3313.667. (A) Any school district may form bullying prevention task forces, programs, and other initiatives involving volunteers, parents, law enforcement, and community members.

(B) To the extent that state or federal funds are appropriated for these purposes, each school district shall:

~~(1) Provide~~ **provide** training, workshops, or courses on the district's harassment, intimidation, or bullying policy adopted pursuant to section 3313.666 of the Revised Code to school employees and volunteers who have direct contact with students. Time spent by school employees in the training, workshops, or courses shall apply towards any state- or district-mandated continuing education requirements.

~~(2) Develop a process for educating students about the policy.~~

(C) This section does not create a new cause of action or a substantive legal right for any person.

Section 2. That existing sections 3313.666 and 3313.667 of the Revised Code are hereby repealed.

Section 3. Sections 1 and 2 of this act shall take effect six months after the effective date of this section.

Section 4. This act shall be known as the "School Day Security and Anti-Bullying Act." The purpose of this act is to provide a positive school day for each student and a school environment where every student feels safe.

OKLAHOMA

OKLA. STAT. ANN. tit. 70, § 24-100.2 (2011). SCHOOL BULLYING PREVENTION ACT--SHORT TITLE

Sections 1 through 4 of this act shall be known and may be cited as the "School Bullying Prevention Act".

OKLA. STAT. ANN. tit. 70, § 24-100.3 (2011). SCHOOL BULLYING PREVENTION ACT--LEGISLATIVE FINDINGS--PURPOSE OF ACT--DEFINITIONS

A. The Legislature finds that bullying has a negative effect on the social environment of schools, creates a climate of fear among students, inhibits their ability to learn, and leads to other antisocial behavior. Bullying behavior has been linked to other forms of antisocial behavior, such as vandalism, shoplifting, skipping and dropping out of school, fighting, and the use of drugs and alcohol. Research has shown that sixty percent (60%) of males who were bullies in grades six through nine were convicted of at least one crime as adults, and thirty-five percent (35%) to forty percent (40%) of these former bullies had three or more convictions by twenty-four (24) years of age. Successful programs to recognize, prevent, and effectively intervene in bullying behavior have been developed and replicated in schools across the country. These schools send the message that bullying behavior is not tolerated and, as a result, have improved safety and created a more inclusive learning environment.

B. The purpose of the School Bullying Prevention Act is to provide a comprehensive approach for the public schools of this state to create an environment free of unnecessary disruption which is conducive to the learning process by implementing policies for the prevention of harassment, intimidation, and bullying.

C. As used in the School Bullying Prevention Act:

1. "Harassment, intimidation, and bullying" means any gesture, written or verbal expression, or physical act that a reasonable person should know will harm another student, damage another student's property, place another student in reasonable fear of harm to the student's person or damage to the student's property, or insult or demean any student or group of students in such a way as to disrupt or interfere with the school's educational mission or the education of any student. "Harassment, intimidation, and bullying" include, but are not limited to, a gesture or written, verbal, or physical act; and

2. "At school" means on school grounds, in school vehicles, at designated school bus stops, at school-sponsored activities, or at school-sanctioned events.

D. Nothing in this act shall be construed to impose a specific liability on any school district.

OKLA. STAT. ANN. tit. 70, § 24-100.4 (2011). SCHOOL BULLYING PREVENTION ACT--CONTROL AND DISCIPLINE OF CHILD--PROHIBITION OF HARASSMENT, INTIMIDATION, AND BULLYING

A. Each district board of education shall adopt a policy for the control and discipline of all children attending public school in that district. Such policy shall provide options for the methods of control and discipline of the students and shall define standards of

conduct to which students are expected to conform. The policy shall specifically prohibit harassment, intimidation, and bullying by students at school and address prevention of and education about such behavior. In developing the policy, the district board of education shall make an effort to involve the teachers, parents, and students affected. The students, teachers, and parents or guardian of every child residing within a school district shall be notified by the district board of education of its adoption of the policy and shall receive a copy upon request. Provided, the teacher of a child attending a public school shall have the same right as a parent or guardian to control and discipline such child according to district policies during the time the child is in attendance or in transit to or from the school or any other school function authorized by the school district or classroom presided over by the teacher.

B. Except concerning students on individualized education plans (IEP) pursuant to the Individuals with Disabilities Education Act (IDEA), P.L. No. 101-476, the State Board of Education shall not have authority to prescribe student disciplinary policies for school districts or to proscribe corporal punishment in the public schools. The State Board of Education shall not have authority to require school districts to file student disciplinary action reports more often than once each year and shall not use disciplinary action reports in determining a school district's or school site's eligibility for program assistance including competitive grants.

C. The board of education of each school district in this state shall have the option of adopting a dress code for students enrolled in the school district. The board of education of a school district shall also have the option of adopting a dress code which includes school uniforms.

OKLA. STAT. ANN. tit. 70, § 24-100.5 (2011). SCHOOL BULLYING PREVENTION ACT--SAFE SCHOOL COMMITTEES

A. Due to the growing concern regarding safety and the ever constant threat of violence in the public schools, it is the intent of the Legislature that public schools and families work together to combat this rising problem. Therefore, beginning October 1, 1996, and every year thereafter, each public school site shall establish a Safe School Committee to be composed of at least six (6) members. The Safe School Committee shall be composed of an equal number of teachers, parents of the children affected and students.

B. The Safe School Committee shall study and make recommendations to the principal regarding:

1. Unsafe conditions, possible strategies for students to avoid harm at school, student victimization, crime prevention, school violence, and other issues which prohibit the maintenance of a safe school;
2. Student harassment, intimidation, and bullying at school;
3. Professional development needs of faculty and staff to implement methods to decrease student harassment, intimidation, and bullying; and

4. Methods to encourage the involvement of the community and students, the development of individual relationships between students and school staff, and use of problem-solving teams that include counselors and/or school psychologists.

In its considerations, the Safe School Committee shall review traditional and accepted harassment, intimidation, and bullying prevention programs utilized by other states, state agencies, or school districts.

C. The State Department of Education shall compile and distribute to each public school site a list of research-based programs appropriate for the prevention of harassment, intimidation, and bullying of students at school. If a school district implements a commercial bullying prevention program, it shall use a program listed by the State Department of Education.

D. The provisions of this section shall not apply to technology center schools.

OREGON

OR. REV. STAT. § 339.351 (2011). DEFINITIONS

As used in ORS 339.351 to 339.364:

(1) “Cyberbullying” means the use of any electronic communication device to harass, intimidate or bully.

(2) “Harassment, intimidation or bullying” means any act that:

(a) Substantially interferes with a student's educational benefits, opportunities or performance;

(b) Takes place on or immediately adjacent to school grounds, at any school-sponsored activity, on school-provided transportation or at any official school bus stop;

(c) Has the effect of:

(A) Physically harming a student or damaging a student's property;

(B) Knowingly placing a student in reasonable fear of physical harm to the student or damage to the student's property; or

(C) Creating a hostile educational environment, including interfering with the psychological well-being of a student; and

(d) May be based on, but not be limited to, the protected class status of a person.

(3) “Protected class” means a group of persons distinguished, or perceived to be distinguished, by race, color, religion, sex, sexual orientation, national origin, marital status, familial status, source of income or disability.

OR. REV. STAT. § 339.353 (2011). LEGISLATIVE FINDINGS

(1) The Legislative Assembly finds that:

(a) A safe and civil environment is necessary for students to learn and achieve high academic standards.

(b) Harassment, intimidation or bullying and cyberbullying, like other disruptive or violent behavior, are conduct that disrupts a student's ability to learn and a school's ability to educate its students in a safe environment.

(c) Students learn by example.

(2) The Legislative Assembly commends school administrators, faculty, staff and volunteers for demonstrating appropriate behavior, treating others with civility and respect, refusing to tolerate harassment, intimidation or bullying and refusing to tolerate cyberbullying.

OR. REV. STAT. § 339.356 (2011). MANDATORY POLICY ON HARASSMENT, INTIMIDATION AND BULLYING

(1) Each school district shall adopt a policy prohibiting harassment, intimidation or bullying and prohibiting cyberbullying. School districts are encouraged to develop the policy after consultation with parents, guardians, school employees, volunteers, students, administrators and community representatives.

(2) School districts must include in the policy:

(a) A statement prohibiting harassment, intimidation or bullying and prohibiting cyberbullying.

(b) Definitions of “harassment,” “intimidation” or “bullying” and of “cyberbullying” that are consistent with ORS 339.351.

(c) Definitions of “protected class” that are consistent with ORS 174.100 and 339.351.

(d) A statement of the scope of the policy, including a notice that the policy applies to behavior at school-sponsored activities, on school-provided transportation and at any official school bus stop.

(e) A description of the type of behavior expected from each student.

- (f) A statement of the consequences and appropriate remedial action for a person who commits an act of harassment, intimidation or bullying or an act of cyberbullying.
- (g) A procedure that is uniform through-out the school district for reporting an act of harassment, intimidation or bullying or an act of cyberbullying. A procedure established under this paragraph shall identify by job title the school officials responsible for receiving such a report at a school and shall allow a person to report an act of harassment, intimidation or bullying or an act of cyberbullying anonymously. Nothing in this paragraph may be construed to permit formal disciplinary action solely on the basis of an anonymous report.
- (h) A procedure that is uniform throughout the school district for prompt investigation of a report of an act of harassment, intimidation or bullying or an act of cyberbullying. A procedure established under this paragraph shall identify by job title the school officials responsible for investigating such a report.
- (i) A procedure by which a person may request a school district to review the actions of a school in responding to a report of an act of harassment, intimidation or bullying or an act of cyberbullying or investigating such a report.
- (j) A statement of the manner in which a school and a school district will respond after an act of harassment, intimidation or bullying or an act of cyberbullying is reported, investigated and confirmed.
- (k) A statement of the consequences and appropriate remedial action for a person found to have committed an act of harassment, intimidation or bullying or an act of cyberbullying.
- (L) A statement prohibiting reprisal or retaliation against any person who reports an act of harassment, intimidation or bullying or an act of cyberbullying and stating the consequences and appropriate remedial action for a person who engages in such reprisal or retaliation.
- (m) A statement of the consequences and appropriate remedial action for a person found to have falsely accused another of having committed an act of harassment, intimidation or bullying or an act of cyberbullying as a means of reprisal or retaliation, as a means of harassment, intimidation or bullying or as a means of cyberbullying.
- (n) A statement of how the policy is to be publicized within the district. At a minimum, a school district shall make the policy:
- (A) Annually available to parents, guardians, school employees and students in a student or employee handbook; and
- (B) Readily available to parents, guardians, school employees, volunteers, students, administrators and community representatives at each school office or at the school

district office and, if available, on the website for a school or the school district.

(o) The identification by job title of school officials and school district officials responsible for ensuring that policy is implemented.

(3) A school district that does not comply with the requirements of this section is considered nonstandard under ORS 327.103.

OR. REV. STAT. § 339.359 (2011). PREVENTION METHODS ENCOURAGED

(1) School districts are encouraged to incorporate into existing training programs for students and school employees information related to the prevention of, and the appropriate response to, acts of harassment, intimidation and bullying and acts of cyberbullying.

(2) School districts are encouraged to form task forces and to implement programs and other initiatives that are aimed at the prevention of, and the appropriate response to, acts of harassment, intimidation or bullying and acts of cyberbullying and that involve school employees, students, administrators, volunteers, parents, guardians, law enforcement and community representatives.

OR. REV. STAT. § 339.362 (2011). RETALIATION PROHIBITED; EMPLOYEE IMMUNITY

(1) A school employee, student or volunteer may not engage in reprisal or retaliation against a victim of, witness to or person with reliable information about an act of harassment, intimidation or bullying or an act of cyberbullying.

(2) A school employee, student or volunteer who witnesses or has reliable information that a student has been subjected to an act of harassment, intimidation or bullying or an act of cyberbullying is encouraged to report the act to the appropriate school official designated by the school district's policy.

(3) A school employee who promptly reports an act of harassment, intimidation or bullying or an act of cyberbullying to the appropriate school official in compliance with the procedures set forth in the school district's policy is immune from a cause of action for damages arising from any failure to remedy the reported act.

OR. REV. STAT. § 339.364 (2011). ALTERNATIVE REMEDIES AVAILABLE; NO CAUSE OF ACTION CREATED

ORS 339.351 to 339.364 may not be interpreted to prevent a victim of harassment, intimidation or bullying or a victim of cyberbullying from seeking redress under any other available law, whether civil or criminal. ORS 339.351 to 339.364 do not create any statutory cause of action.

THE FOLLOWING BILL HAS NOT BEEN ENACTED AND IS CURRENTLY NOT THE LAW OF OREGON. H.R. 2832, 76TH LEGIS. ASSEM., REG. SESS. (OR. 2011). RELATING TO HOSTILE EDUCATION ENVIRONMENTS; DECLARING AN EMERGENCY

Bill Status: In House Committee on Education; Public Hearing Held 03/14/2011

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 339.351 is amended to read:

339.351. As used in ORS 339.351 to 339.364:

(1) 'Cyberbullying' means the use of any electronic communication device to harass, intimidate or bully.

(2) 'Harassment, intimidation or bullying' means any act **or communication** that:

(a) When directed toward a student:

~~(a)~~ **(A)** Substantially interferes with a student's educational benefits, opportunities or performance;

~~(b)~~ **(B)** Takes place on or immediately adjacent to school grounds, at any school-sponsored activity, on school-provided transportation or at any official school bus stop;

~~(c)~~ **(C)** Has the effect of:

~~(A)~~ **(i)** Physically harming a student or damaging a student's property;

~~(B)~~ **(ii)** ~~Knowingly~~ Placing a student in reasonable fear of physical harm to the student or damage to the student's property; or

~~(C)~~ **(iii)** Creating a hostile educational environment, including interfering with the psychological well-being of a student; and

~~(d)~~ **(D)** May be based on, but not be limited to, the protected class status of a person.

(b) When directed toward a school employee:

(A) Takes place on or immediately adjacent to school grounds, at any school-sponsored activity, on school-provided transportation or at any official school bus stop;

(B) Has the effect of:

(i) Physically harming a school employee or damaging the property of a school employee; or

(ii) Placing a school employee in reasonable fear of physical harm to the school employee or damage to the property of the school employee; and

(C) May be based on, but not be limited to, the protected class status of a person.

(3) 'Protected class' means a group of persons distinguished, or perceived to be distinguished, by race, color, religion, sex, sexual orientation, national origin, marital status, familial status, source of income or disability.

SECTION 2. ORS 339.353 is amended to read:

339.353. (1) The Legislative Assembly finds that:

(a) A safe and civil environment is necessary for students to learn and achieve high academic standards.

(b) Harassment, intimidation or bullying and cyberbullying, like other disruptive or violent behavior, are conduct that disrupts a student's ability to learn **, a teacher's ability to teach** and a school's ability to educate its students in a safe environment.

(c) Students learn by example.

(2) The Legislative Assembly commends school administrators, faculty, staff and volunteers for demonstrating appropriate behavior, treating others with civility and respect, refusing to tolerate harassment, intimidation or bullying and refusing to tolerate cyberbullying.

SECTION 3. ORS 339.356 is amended to read:

339.356. (1) Each school district shall adopt a policy prohibiting harassment, intimidation or bullying and prohibiting cyberbullying. School districts are encouraged to develop the policy after consultation with parents, guardians, school employees, volunteers, students, administrators and community representatives.

(2) School districts must include in the policy:

(a) A statement prohibiting harassment, intimidation or bullying and prohibiting cyberbullying **by students and school employees** .

(b) Definitions of ‘harassment,’ ‘intimidation’ or ‘bullying’ and of ‘cyberbullying’ that are consistent with ORS 339.351.

(c) Definitions of ‘protected class’ that are consistent with ORS 174.100 and 339.351.

(d) A statement of the scope of the policy, including a notice that the policy applies to behavior at school-sponsored activities, on school-provided transportation and at any official school bus stop.

(e) A description of the type of behavior expected from each student **and school employee**.

(f) A statement of the consequences and appropriate remedial action for a person who commits an act of harassment, intimidation or bullying or an act of cyberbullying.

(g) A procedure that is uniform throughout the school district for reporting an act of harassment, intimidation or bullying or an act of cyberbullying. A procedure established under this paragraph shall identify by job title the school officials responsible for receiving such a report at a school and shall allow a person to report an act of harassment, intimidation or bullying or an act of cyberbullying anonymously. Nothing in this paragraph may be construed to permit formal disciplinary action solely on the basis of an anonymous report.

(h) A procedure that is uniform throughout the school district for prompt investigation of a report of an act of harassment, intimidation or bullying or an act of cyberbullying. A procedure established under this paragraph shall identify by job title the school officials responsible for investigating such a report.

(i) A procedure by which a person may request a school district to review the actions of a school in responding to a report of an act of harassment, intimidation or bullying or an act of cyberbullying or investigating such a report.

(j) A statement of the manner in which a school and a school district will respond after an act of harassment, intimidation or bullying or an act of cyberbullying is reported, investigated and confirmed.

(k) A statement of the consequences and appropriate remedial action for a person found to have committed an act of harassment, intimidation or bullying or an act of cyberbullying.

(L) A statement prohibiting reprisal or retaliation against any person who reports an act of harassment, intimidation or bullying or an act of cyberbullying and stating the consequences and appropriate remedial action for a person who engages in such reprisal or retaliation.

(m) A statement of the consequences and appropriate remedial action for a person found to have falsely accused another of having committed an act of harassment, intimidation or

bullying or an act of cyberbullying as a means of reprisal or retaliation, as a means of harassment, intimidation or bullying or as a means of cyberbullying.

(n) A statement of how the policy is to be publicized within the district. At a minimum, a school district shall make the policy:

(A) Annually available to parents, guardians, school employees and students in a student or employee handbook; and

(B) Readily available to parents, guardians, school employees, volunteers, students, administrators and community representatives at each school office or at the school district office and, if available, on the website for a school or the school district.

(o) The identification by job title of school officials and school district officials responsible for ensuring that policy is implemented.

(p) Recognition that a student or school employee may take reasonable actions to defend the student or school employee from a physical act of harassment, intimidation or bullying.

(3) A school district that does not comply with the requirements of this section is considered nonstandard under ORS 327.103.

SECTION 4. ORS 339.362 is amended to read:

339.362. (1) A school employee, student or volunteer may not engage in reprisal or retaliation against a victim of, witness to or person with reliable information about an act of harassment, intimidation or bullying or an act of cyberbullying.

(2) A ~~school employee~~, student or volunteer who witnesses or has reliable information that a student has been subjected to an act of harassment, intimidation or bullying or an act of cyberbullying is encouraged to report the act to the appropriate school official designated by the school district's policy.

(3) A school employee who witnesses or has reliable information that a student or another school employee has been subjected to an act of harassment, intimidation or bullying or an act of cyberbullying must report the act to the appropriate school official designated by the school district's personnel policy.

~~(3)~~ **(4)** A school employee who promptly reports an act of harassment, intimidation or bullying or an act of cyberbullying to the appropriate school official in compliance with the procedures set forth in the school district's policy is immune from a cause of action for damages arising from any failure to remedy the reported act.

SECTION 5. **This 2011 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect July 1, 2011.**

THE FOLLOWING BILL HAS NOT BEEN ENACTED AND IS CURRENTLY NOT THE LAW OF OREGON. S.240, 76TH LEGIS. ASSEM., REG. SESS. (OR. 2011).
RELATING TO HOSTILE EDUCATION ENVIRONMENTS; DECLARING AN EMERGENCY

Bill Status: Passed Senate. In House Committee on Rules as of 04/29/2011

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 339.356 is amended to read:

339.356. (1) Each school district shall adopt a policy prohibiting harassment, intimidation or bullying and prohibiting cyberbullying. School districts ~~are encouraged~~ **to shall** develop the policy after consultation with parents, guardians, school employees, volunteers, students, administrators and community representatives.

(2) School districts must include in the policy:

(a) A statement prohibiting harassment, intimidation or bullying and prohibiting cyberbullying.

(b) Definitions of 'harassment,' 'intimidation' or 'bullying' and of 'cyberbullying' that are consistent with ORS 339.351.

(c) Definitions of 'protected class' that are consistent with ORS 174.100 and 339.351.

(d) A statement of the scope of the policy, including a notice that the policy applies to behavior at school-sponsored activities, on school-provided transportation and at any official school bus stop.

(e) A description of the type of behavior expected from each student.

~~(f) A statement of the consequences and appropriate remedial action for a person who commits an act of harassment, intimidation or bullying or an act of cyberbullying.~~

~~(g)~~ **(f)** A procedure that is uniform throughout the school district for reporting an act of harassment, intimidation or bullying or an act of cyberbullying. A procedure established under this paragraph shall :

(A) Identify by job title the school officials responsible for receiving such a report at a school ~~and shall~~.

(B) Require a school employee to report an act of harassment, intimidation or bullying or an act of cyberbullying to a person identified under subparagraph (A) of this paragraph.

(C) Identify any remedial action that may be imposed on a school employee for failure to make a report as required by subparagraph (B) of this paragraph.

~~(D)~~ Allow a ~~person~~ **student or volunteer** to report an act of harassment, intimidation or bullying or an act of cyberbullying **voluntarily and** anonymously **to a person identified in subparagraph (A) of this paragraph**. Nothing in this ~~paragraph~~ **subparagraph** may be construed to permit ~~formal disciplinary action~~ **remedial action** solely on the basis of an anonymous report.

~~(h)~~ **(g)** A procedure that is uniform throughout the school district for prompt investigation of a report of an act of harassment, intimidation or bullying or an act of cyberbullying. A procedure established under this paragraph shall identify by job title the school officials responsible for investigating such a report.

~~(i)~~ **(h)** A procedure by which a person may request a school district to review the actions of a school in responding to a report of an act of harassment, intimidation or bullying or an act of cyberbullying or investigating such a report.

~~(j)~~ **(i)** A statement of the manner in which a school and a school district will respond after an act of harassment, intimidation or bullying or an act of cyberbullying is reported, investigated and confirmed.

~~(k)~~ **(j)** A statement of the consequences and appropriate remedial action for a person found to have committed an act of harassment, intimidation or bullying or an act of cyberbullying.

~~(L)~~ **(k)** A statement prohibiting reprisal or retaliation against any person who reports an act of harassment, intimidation or bullying or an act of cyberbullying and stating the consequences and appropriate remedial action for a person who engages in such reprisal or retaliation.

~~(m)~~ **(L)** A statement of the consequences and appropriate remedial action for a person found to have falsely accused another of having committed an act of harassment, intimidation or bullying or an act of cyberbullying as a means of reprisal or retaliation, as a means of harassment, intimidation or bullying or as a means of cyberbullying.

~~(n)~~ **(m)** A statement of how the policy is to be publicized within the district. At a minimum, a school district shall make the policy:

(A) Prominently visible at the main entrance of each kindergarten through grade 12 school;

~~(A)~~ **(B)** Annually available to parents, guardians, school employees and students in a student or employee handbook; and

~~(B)~~ **(C)** Readily available to parents, guardians, school employees, volunteers, students, administrators and community representatives at each school office or at the school district office and, if available, on the website for a school or the school district.

~~(e)~~ **(n)** The identification by job title of school officials and school district officials responsible for ensuring that **the** policy is implemented.

(3) A school district that does not comply with the requirements of this section is considered nonstandard under ORS 327.103.

SECTION 2. ORS 339.359 is amended to read:

339.359. (1) School districts ~~are encouraged to~~ **must** incorporate into existing training programs for students and school employees information related to :

(a) The prevention of, and the appropriate response to, acts of harassment, intimidation and bullying and acts of cyberbullying ~~;~~ **and**

(b) The policy adopted under ORS 339.356.

(2) School districts are encouraged to form task forces and to implement programs and other initiatives that are aimed at the prevention of, and the appropriate response to, acts of harassment, intimidation or bullying and acts of cyberbullying and that involve school employees, students, administrators, volunteers, parents, guardians, law enforcement and community representatives.

SECTION 3. ORS 339.362 is amended to read:

339.362. (1) A school employee, student or volunteer may not engage in reprisal or retaliation against a victim of, witness to or person with reliable information about an act of harassment, intimidation or bullying or an act of cyberbullying.

(2) **(a)** A school employee ~~, student or volunteer~~ who witnesses or has reliable information that a student has been subjected to an act of harassment, intimidation or bullying or an act of cyberbullying ~~is encouraged to~~ **must** report the act to the appropriate school official designated by the school district's policy.

(b) A student or volunteer who witnesses or has reliable information that a student has been subjected to an act of harassment, intimidation or bullying or an act of cyberbullying is encouraged to report the act to the appropriate school official designated by the school district's policy.

(3) A school employee who promptly reports an act of harassment, intimidation or bullying or an act of cyberbullying to the appropriate school official in compliance with the procedures set forth in the school district's policy is immune from a cause of action for damages arising from any failure to remedy the reported act.

SECTION 4. **The amendments to ORS 339.356, 339.359 and 339.362 by sections 1 to 3 of this 2011 Act first apply to the 2011-2012 school year.**

SECTION 5. **This 2011 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect July 1, 2011.**

PENNSYLVANIA

24 PA. CONS. STAT. § 13-1303.1-A (2011). POLICY RELATING TO BULLYING

(a) No later than January 1, 2009, each school entity shall adopt a policy or amend its existing policy relating to bullying and incorporate the policy into the school entity's code of student conduct required under 22 Pa. Code § 12.3(c) (relating to school rules). The policy shall delineate disciplinary consequences for bullying and may provide for prevention, intervention and education programs, provided that no school entity shall be required to establish a new policy under this section if one currently exists and reasonably fulfills the requirements of this section. The policy shall identify the appropriate school staff person to receive reports of incidents of alleged bullying.

(b) Each school entity shall make the policy available on its publicly accessible Internet website, if available, and in every classroom. Each school entity shall post the policy at a prominent location within each school building where such notices are usually posted. Each school entity shall ensure that the policy and procedures for reporting bullying incidents are reviewed with students within ninety (90) days after their adoption and thereafter at least once each school year.

(c) Each school entity shall review its policy every three (3) years and annually provide the office with a copy of its policy relating to bullying, including information related to the development and implementation of any bullying prevention, intervention and education programs. The information required under this subsection shall be attached to or made part of the annual report required under section 1303-A(b)

(d) In its policy relating to bullying adopted or maintained under subsection (a), a school entity shall not be prohibited from defining bullying in such a way as to encompass acts that occur outside a school setting if those acts meet the requirements contained in subsection (e)(1), (3) and (4). If a school entity reports acts of bullying to the office in accordance with section 1303-A(b), it shall report all incidents that qualify as bullying under the entity's adopted definition of that term.

(e) For purposes of this article, "bullying" shall mean an intentional electronic, written, verbal or physical act, or a series of acts:

- (1) directed at another student or students;
- (2) which occurs in a school setting;
- (3) that is severe, persistent or pervasive; and
- (4) that has the effect of doing any of the following:
 - (i) substantially interfering with a student's education;
 - (ii) creating a threatening environment; or

(iii) substantially disrupting the orderly operation of the school; and

"school setting" shall mean in the school, on school grounds, in school vehicles, at a designated bus stop or at any activity sponsored, supervised or sanctioned by the school.

RHODE ISLAND

R.I. GEN. LAWS § 16-21-24 (2010). REQUIREMENTS OF SCHOOL SAFETY PLANS, SCHOOL EMERGENCY RESPONSE PLANS, AND SCHOOL CRISIS RESPONSE PLANS

(a) School safety plans, as required by this chapter, shall include and address, but not to be limited to, the following policies and procedures:

(1) Policies and procedures for responding to violence by students, teachers, other school personnel as well as visitors to the school;

(2) Policies and procedures for responding to acts of violence by students, teachers, other school personnel and visitors to the school;

(3) Appropriate prevention and intervention strategies which are based on data to target priority needs and which make use of effective actions based on currently accepted best practice;

(4) Collaborative arrangements with state and local law enforcement officials, designed to ensure that school safety officers and other security personnel are adequately trained, including being trained to de-escalate potentially violent situations, and are effectively and fairly recruited;

(5) Policies and procedures for contacting appropriate law enforcement officials and EMS/Fire, in the event of a violent incident;

(6) Policies and procedures for notification and activation of the school crisis response team;

(7) Policies and procedures for contacting parents, guardians, or persons in parental relation to the students of the city, town, or region in the event of a violent incident;

(8) Policies and procedures relating to school building security, including where appropriate the use of school safety officers and/or security devices or procedures;

(9) Policies and procedures for the dissemination of informative materials regarding the early detection of potentially violent behaviors, including but not limited to, the identification of family, community, and environmental factors, to teachers,

administrators, school personnel, persons in parental relation to students of the city, town, or region students and other persons deemed appropriate to receive that information;

(10) Policies and procedures for annual school safety training and a review of the school crisis response plan for staff and students;

(11) Protocols for responding to bomb threats, hostage-takings, intrusions, and kidnappings;

(12) Strategies for improving communication among students and between students and staff and reporting of potentially violent incidents, such as the establishment of youth-run programs, peer mediation, conflict resolution, creating a forum or designating a mentor for students concerned with bullying or violence, and establishing anonymous reporting mechanisms for school violence;

(13) A description of the duties of hall monitors and any other school safety personnel, including the school crisis response team, and the training requirements of all personnel acting in a school security capacity;

(14) Policies and procedures for providing notice of threats of violence or harm to the student or school employee who is the subject of the threat. The policy shall define “threats of violence or harm” to include violent actions and threats of violent actions either individually or by groups, but shall not include conduct or comments that a reasonable person would not seriously consider to be a legitimate threat;

(15) Policies and procedures for disclosing information that is provided to the school administrators about a student's conduct, including, but not limited to, the student's prior disciplinary records, and history of violence, to classroom teachers, school staff, and school security, if they have been determined by the principal to have a legitimate need for the information in order to fulfill their professional responsibilities and for protecting such information from any further disclosure; and

(16) Procedures for determining whether or not any threats or conduct established in the policy may be grounds for discipline of the student. School districts, school committees, school officials, and school employees providing notice in good faith as required and consistent with the committee's policies adopted under this section are immune from any liability arising out of such notification.

(b) School safety plans, as required by this chapter, shall further include school emergency response plans specific to each school building contained within each city, town, or regional school district. School emergency response plans shall include, and address, but not be limited to, the following elements:

(1) Policies and procedures for the safe evacuation of students, teachers, and other school personnel as well as visitors to the school in the event of a serious violent incident or other emergency, which shall include evacuation routes and shelter sites and procedures

for addressing medical needs, transportation, and emergency notification to persons in parental relation to a student. For purposes of this subdivision, "serious violent incident" means an incident of violent criminal conduct that is, or appears to be, life threatening and warrants the evacuation of students and/or staff;

(2) Designation of an emergency response team comprised of school personnel, local law enforcement officials, and representatives from local regional and/or state emergency response agencies, other appropriate incident response teams including a school crisis response team, and a post-incident response team that includes appropriate school personnel, medical personnel, mental health counselors, and others who can assist the school community in coping with the aftermath of a violent incident;

(3) Procedures for assuring that crisis response and law enforcement officials have access to floor plans, blueprints, schematics, or other maps of the school interior and school grounds, and road maps of the immediate surrounding area;

(4) Establishment of internal and external communication systems in emergencies;

(5) Definition of the chain of command in a manner consistent with the national interagency incident management system/incident command system;

(6) Procedures for review and the conduct of drills and other exercises to test components of the emergency response plan; and

(7) Policies and procedures for securing and restricting access to the crime scene in order to preserve evidence in cases of violent crimes on school property.

2011 R.I. PUB. LAWS CH. 11-162 (11-H 5941A). SAFE SCHOOL ACT

AN ACT RELATING TO EDUCATION --SAFE SCHOOLS

It is enacted by the General Assembly as follows:

SECTION 1. **Title. This act shall be known and may be cited as the "Safe School Act."**

SECTION 2. Findings of fact and purpose.

(1) The general assembly recognizes that the bullying of a student creates a climate of fear and disrespect than can seriously impair the student's health and negatively affect learning. Bullying undermines the safe learning environment that students need to achieve their full potential. Any form or degree of bullying at school is therefore prohibited.

(2) Within this context, it is important that all participants feel free to express their thoughts and ideas in a manner that does not disrupt the educational process, or create unnecessary distractions to, or adversely impact, the interpersonal relationships between the students, faculty and staff.

SECTION 3. Chapter 16-21 of the General Laws entitled "Health and Safety of Pupils" is hereby amended by adding thereto the following sections:

16-21-33. Safe schools act. --(a) Definitions. --As used in this chapter:

(1) "Bullying" means the use by one or more students of a written, verbal or electronic expression or a physical act or gesture or any combination thereof directed at a student that:

(i) Causes physical or emotional harm to the student or damage to the student's property;

(ii) Places the student in reasonable fear of harm to himself/herself or of damage to his/her property;

(iii) Creates an intimidating, threatening, hostile, or abusive educational environment for the student;

(iv) Infringes on the rights of the student to participate in school activities; or

(v) Materially and substantially disrupts the education process or the orderly operation of a school. The expression, physical act or gesture may include, but is not limited to, an incident or incidents that may be reasonably perceived as being motivated by characteristics such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression or mental, physical, or sensory disability, intellectual ability or by any other distinguishing characteristic.

(2) "Cyber-bullying" means bullying through the use of technology or any electronic communication, which shall include, but shall not be limited to, any transfer of signs, signals, writing, images, sounds, data, texting or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo electronic or photo optical system, including, but not limited to, electronic mail, Internet communications, instant messages or facsimile communications. For purposes of this section, cyber-bullying shall also include:

(i) The creation of a web page or blog in which the creator assumes the identity of another person;

(ii) The knowing impersonation of another person as the author or posted content or messages; or

(iii) The distribution by electronic means of a communication to more than one person or the posting of materials on an electronic medium that may be accessed by one or more persons, if the creation, impersonation, or distribution results in any of the conditions enumerated in clauses (i) to (v) of the definition of bullying herein.

(3) "At school" means on school premises, at any school-sponsored activity or event whether or not it is held on school premises, on a school-transportation vehicle, at an official school bus stop, using property or equipment provided by the school, or creates a material and substantial disruption of the education process or the orderly operation of the school.

16-21-34. Statewide bullying policy implemented. --(a) The Rhode Island department of education shall prescribe by regulation a statewide bullying policy, ensuring a consistent and unified, statewide approach to the prohibition of bullying at school. The statewide policy shall apply to all schools that are approved for the purpose of § 16-9-1 and shall contain the following:

- (1) Descriptions of and statements prohibiting bullying, cyber-bullying and retaliation at school;
- (2) Clear requirements and procedures for students, staff, parents, guardians and others to report bullying or retaliation;
- (3) A provision that reports of bullying or retaliation may be made anonymously; provided, however, that no disciplinary action shall be taken against a student solely on the basis of an anonymous report;
- (4) Clear procedures for promptly responding to and investigating reports of bullying or retaliation;
- (5) The range of disciplinary actions that may be taken against a perpetrator for bullying or retaliation; provided, however, that the disciplinary actions shall balance the need for accountability with the need to teach appropriate behavior; and provided, further:
 - (i) A parental engagement strategy; and
 - (ii) A provision that states punishments for violations of the bullying policy shall be determined by the school's appropriate authority; however, no student shall be suspended from school unless it is deemed a necessary consequence of the violations;
- (6) Clear procedures for restoring a sense of safety for a victim and assessing that victim's needs for protection;
- (7) Strategies for protecting from bullying or retaliation a person who reports bullying, provides information during an investigation of bullying or witnesses or has reliable information about an act of bullying;
- (8) Procedures for promptly notifying the parents or guardians of a victim and a perpetrator; provided, further, that the parents or guardians of a victim shall also be notified of the action taken to prevent any further acts of bullying or retaliation; and provided, further, that the procedures shall provide for immediate notification of the local law enforcement agency when criminal charges may be pursued against the perpetrator;
- (9) A provision that a student who knowingly makes a false accusation of bullying or retaliation shall be subject to disciplinary action;
- (10) A strategy for providing counseling or referral to appropriate services currently being offered by schools or communities for perpetrators and victims and for appropriate family members of said students. The plan shall afford all students the same protection regardless of their status under the law;
- (11) A provision that requires a principal or designee to be responsible for the implementation and oversight of the bullying policy;
- (12) Provisions for informing parents and guardians about the bullying policy of the school district or school shall include, but not be limited to:
 - (i) A link to the policy prominently posted on the home page of the school district's website and distributed annually to parents and guardians of students;
 - (ii) A provision for notification, within twenty-four (24) hours, of the incident report, to the parents or guardians of the victim of bullying and parents or guardians of the alleged perpetrator of the bullying;
- (13) A school employee, school volunteer, student, parent, legal guardian, or relative caregiver who promptly reports, in good faith, an act of bullying to the appropriate school official designated in the school's policy is immune from a cause of action for

damages arising from reporting bullying;

(14) This section does not prevent a victim from seeking redress under any other available law, either civil or criminal. This section does not create or alter any tort liability;

(15) Students shall be prohibited from accessing social networking sites at school, except for educational or instructional purposes and with the prior approval from school administration. Nothing in this act shall prohibit students from using school department or school websites for educational purposes. School districts and schools are encouraged to provide in-service training on Internet safety for students, faculty and staff; and

(16) All school districts, charter schools, career and technical schools, approved private day or residential schools and collaborative schools shall be subject to the requirements of this section. School districts and schools must adopt the statewide bullying policy promulgated pursuant to this section by June 30, 2012.

SECTION 4. § 16-21-26 of the General Laws in Chapter 16-21 entitled "Health and Safety of Pupils" is hereby repealed.

<< Repealed: RI ST § 16-21-26 >>

~~16-21-26 Student discipline codes.—(a) As used in this section:~~

~~(1) "At school" means in a classroom, elsewhere on or immediately adjacent to school premises, on a school bus or other school-related vehicle, at an official school bus stop, or at any school-sponsored activity or event whether or not it is held on school premises.~~

~~(2) "Harassment, intimidation or bullying" means an intentional written, electronic, verbal or physical act or threat of a physical act that, under the totality of circumstances:~~

~~(i) A reasonable person should know will have the effect of: physically harming a student, damaging a student's property, placing a student in reasonable fear of harm to his or her person, or placing a student in reasonable fear of damage to his or her property; or~~

~~(ii) Is sufficiently severe, persistent or pervasive that it creates an intimidating, threatening or abusive educational environment for a student.~~

~~(3) "Electronic" communications shall include any verbal, textual or graphic communication of any kind effected, created or transmitted by the use of any electronic device, including, but not limited to, a computer, telephone, cellular telephone, text-messaging device and/or personal data assistance device.~~

~~(b) The board of a school district of a public school shall adopt a policy prohibiting harassment, intimidation, or bullying at school. The policy shall specifically prohibit harassment, intimidation and bullying by students at school and address prevention of an education about such behavior. The policy shall be adopted through a process that includes representation of parents or guardians, school employees, volunteers, pupils, school administrators and community representatives.~~

~~(c) Each school district shall adopt the policy under this section and transmit a copy of its policy to the commissioner of elementary and secondary education and director of the department of education by September 1, 2004.~~

~~(d) To assist school districts and public schools in developing policies for the prevention of harassment, intimidation or bullying, the department of education shall develop a model policy applicable to grades K-12. This model policy shall be issued no later than December 1, 2003.~~

(e) ~~A school district shall ensure that notice of the school district's or public school's policy under this section is included in any publication of the school district or public school policy that sets forth the comprehensive rules, procedures and standards of conduct for its schools and in its pupil handbook.~~

(f) ~~A school employee, pupil or volunteer shall not, nor shall those individuals solicit others with the intent to engage in reprisal, retaliation or false accusation against a victim, witness or one with reliable information about an act of harassment, intimidation or bullying.~~

(g) ~~A school employee, pupil or volunteer who has witnessed or has reliable information that a pupil has been subjected to harassment, intimidation or bullying, whether written, verbal or physical, is encouraged to report the incident to the appropriate school official designated by the school district's or public school's policy.~~

(h) ~~A school employee who promptly reports an incident of harassment, intimidation or bullying to the appropriate school official designated by the school district's or public school's policy, and who makes this report in compliance with the procedures in the policy prohibiting harassment, intimidation or bullying is not liable for damages arising from any failure to remedy the reported incident.~~

(i) ~~Public schools and school districts are encouraged to form bullying prevention task forces, programs and other initiatives involving school staff, pupils, administrators, volunteers, parents, law enforcement and community members.~~

(j) ~~Each school district or public school shall do all of the following:~~

(1) ~~Provide training on the school district's or public school academy's harassment, intimidation or bullying policies to school employees and volunteers who have significant contact with pupils. The training may include promotion of conflict resolution and mediation techniques for resolving conflicts between and among pupils without violence.~~

(2) ~~Develop a process for discussing the harassment, intimidation or bullying policy with pupils. The process may include teaching pupils techniques for preventing and resolving conflicts without violence, including dating violence and interpersonal violence.~~

(k) ~~A school district or public school academy shall incorporate information regarding the school district or public or private school academy's policy against harassment, intimidation or bullying into each school's employee training program.~~

(l) ~~This section does not prevent a victim from seeking redress under any other available law, either civil or criminal. This section does not create or alter any tort liability.~~

SECTION 5. This act shall take effect upon passage.

Approved June 30, 2011.

SOUTH CAROLINA

S.C. CODE ANN. § 59-63-110 (2010). CITATION OF ARTICLE

This article may be cited as the "Safe School Climate Act".

S.C. CODE ANN. § 59-63-120 (2010). DEFINITIONS

As used in this article:

(1) "Harassment, intimidation, or bullying" means a gesture, an electronic communication, or a written, verbal, physical, or sexual act that is reasonably perceived to have the effect of:

(a) harming a student physically or emotionally or damaging a student's property, or placing a student in reasonable fear of personal harm or property damage; or

(b) insulting or demeaning a student or group of students causing substantial disruption in, or substantial interference with, the orderly operation of the school.

(2) "School" means in a classroom, on school premises, on a school bus or other school-related vehicle, at an official school bus stop, at a school-sponsored activity or event whether or not it is held on school premises, or at another program or function where the school is responsible for the child.

S.C. CODE ANN. § 59-63-130 (2010). PROHIBITED CONDUCT; REPORTS BY WITNESSES

(A) A person may not engage in:

(1) harassment, intimidation, or bullying; or

(2) reprisal, retaliation, or false accusation against a victim, witness, or one with reliable information about an act of harassment, intimidation, or bullying.

(B) A school employee, student, or volunteer who witnesses, or has reliable information that a student has been subject to harassment, intimidation, or bullying shall report the incident to the appropriate school official.

S.C. CODE ANN. § 59-63-140 (2010). LOCAL SCHOOL DISTRICTS TO ADOPT POLICIES PROHIBITING HARASSMENT; REQUIRED COMPONENTS; MODEL POLICIES BY STATE BOARD OF EDUCATION; BULLYING PREVENTION PROGRAMS

(A) Before January 1, 2007, each local school district shall adopt a policy prohibiting harassment, intimidation, or bullying at school. The school district shall involve parents and guardians, school employees, volunteers, students, administrators, and community representatives in the process of creating the policy.

(B) The policy must include, but not be limited to, the following components:

(1) a statement prohibiting harassment, intimidation, or bullying of a student;

(2) a definition of harassment, intimidation, or bullying no less inclusive than the

definition in Section 59-63-120;

(3) a description of appropriate student behavior;

(4) consequences and appropriate remedial actions for persons committing acts of harassment, intimidation, or bullying, and for persons engaging in reprisal or retaliation;

(5) procedures for reporting acts of harassment, intimidation, or bullying, to include a provision for reporting anonymously. However, formal disciplinary action must not be taken solely on the basis of an anonymous report. The procedures must identify the appropriate school personnel responsible for taking the report and investigating the complaint;

(6) procedures for prompt investigation of reports of serious violations and complaints;

(7) a statement that prohibits reprisal or retaliation against a person who reports an act of harassment, intimidation, or bullying;

(8) consequences and appropriate remedial action for persons found to have falsely accused another;

(9) a process for discussing the district's harassment, intimidation, or bullying policy with students; and

(10) a statement of how the policy is to be publicized, including notice that the policy applies to participation in school-sponsored functions.

(C) To assist local school districts in developing policies for the prevention of harassment, intimidation, or bullying, the State Board of Education shall develop model policies applicable to grades kindergarten through twelve. Additionally, the State Board of Education shall develop teacher preparation program standards on the identification and prevention of bullying. The model policies and standards must be developed no later than September 1, 2006.

(D) The local school board shall ensure that the school district's policy developed pursuant to this article is included in the school district's publication of the comprehensive rules, procedures, and standards of conduct for schools and in the student's handbook.

(E) Information regarding a local school district policy against harassment, intimidation, or bullying must be incorporated into a school's employee training program. Training also should be provided to school volunteers who have significant contact with students.

(F) Schools and school districts are encouraged to establish bullying prevention programs and other initiatives involving school staff, students, administrators, volunteers, parents, law enforcement, and community members.

S.C. CODE ANN. § 59-63-150 (2010). AVAILABILITY OF CIVIL OR CRIMINAL REDRESS; IMMUNITY OF REPORTING SCHOOL EMPLOYEE OR VOLUNTEER

(A) This article must not be interpreted to prevent a victim from seeking redress pursuant to another available civil or criminal law. This section does not create or alter tort liability.

(B) A school employee or volunteer who promptly reports an incident of harassment, intimidation, or bullying to the appropriate school official designated by the local school district's policy, and who makes this report in compliance with the procedures in the district's policy, is immune from a cause of action for damages arising from failure to remedy the reported incident.

THE FOLLOWING BILL HAS NOT BEEN ENACTED AND IS CURRENTLY NOT THE LAW OF SOUTH CAROLINA. S. 240, 119TH GEN. ASSEM., 1ST REG. SESS. (S.C. 2011). TO AMEND SECTION 59-63-120, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS OF THE SAFE SCHOOL CLIMATE ACT, SO AS TO AMEND THE DEFINITION OF HARASSMENT TO INCLUDE MOTIVATIONS; TO AMEND SECTION 59-63-140, RELATING TO LOCAL DISTRICT POLICIES

Bill Status: In Senate Committee on Education as of 02/15/2011

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 59-63-120 of the 1976 Code, as added by Act 353 of 2006, is amended to read:

“Section 59-63-120. As used in this article:

(1) ‘Harassment, intimidation, or bullying’ means a gesture, an electronic communication, or a written, verbal, physical, or sexual act that is reasonably perceived to have the effect of:

(a) **to have the effect of** harming a student physically or emotionally or damaging a student's property, or placing a student in reasonable fear of personal harm or property damage; or

(b) **to have the effect of** insulting or demeaning a student or group of students causing substantial disruption in, or substantial interference with, the orderly operation of the school-; **or**

(c) as being motivated by any actual or perceived differentiating characteristic such as race, color, religion, ancestry, national origin, gender, socioeconomic status, academic status, gender identity, physical appearance, sexual orientation, or mental, physical, developmental, or sensory disability, or by association with a person who is perceived to have one or more of those characteristics.

(2) ‘School’ means in a classroom, on school premises, on a school bus or other school-related vehicle, at an official school bus stop, at a school-sponsored activity or event whether or not it is held on school premises, or at another program or function where the school is responsible for the child.”

SECTION 2. Section 59-63-140 of the 1976 Code, as added by Act 353 of 2006, is amended to read:

“Section 59-63-140. (A) Before January 1, 2007, each local school district shall adopt a policy prohibiting harassment, intimidation, or bullying at school. The school district shall involve parents and guardians, school employees, volunteers, students, administrators, and community representatives in the process of creating the policy.

(B) The policy must include, but **may** not be limited to, the following components:

(1) a statement prohibiting harassment, intimidation, or bullying of a student;

(2) a definition of harassment, intimidation, or bullying no less inclusive than the definition in Section 59-63-120;

(3) a description of appropriate student behavior;

(4) consequences and appropriate remedial actions **as provided in Article 3 of this chapter** for persons committing acts of harassment, intimidation, or bullying, and for persons engaging in reprisal or retaliation;

(5) procedures for reporting acts of harassment, intimidation, or bullying, to include a provision for reporting anonymously. However, formal disciplinary action ~~must~~ **may** not be taken solely on the basis of an anonymous report. The procedures must identify the appropriate school personnel responsible for taking the report and investigating the complaint. **All acts of harassment, intimidation, or bullying must be reported verbally to the school principal on the same day when the school employee or contracted service provider witnessed or received reliable information regarding the incident. The principal shall inform the parents or guardians of all students involved in the alleged incident, and may discuss, as appropriate, the availability of counseling and other intervention services. All acts of harassment, intimidation, or bullying must be reported in writing to the school principal within two school days of when the school employee or contracted service provider witnessed or received reliable information that a student had been subject to harassment, intimidation, or bullying;**

(6) procedures for prompt investigation of reports of serious violations and complaints, **which procedures must provide at a minimum that:**

(a) the investigation must be initiated by the principal or the principal's designee within one school day of the report of the incident. The investigation must be completed as soon as possible, but not later than ten school days from the date of the written report of the incident of harassment, intimidation, or bullying. In the event

that there is information relative to the investigation that is anticipated but not yet received by the end of the ten day period, the principal or principal's designee may amend the original report of the results of the investigation to reflect the information;

(b) the results of the investigation must be reported to the school district superintendent within two school days of the completion of the investigation, and the superintendent may decide to provide intervention services, establish training programs to reduce harassment, intimidation, or bullying and enhance school climate, impose discipline, order counseling as a result of the findings of the investigation, or take or recommend other appropriate action;

(c) the results of each investigation must be reported to the school district board of trustees no later than the date of the board's meeting next following the completion of the investigation, along with information on any services provided, training established, discipline imposed, or other action taken or recommended by the superintendent;

(d) parents or guardians of the students who are parties to the investigation must be entitled to receive information about the investigation, in accordance with federal and state law and regulation, including the nature of the investigation, whether the district found evidence of harassment, intimidation, or bullying, or whether discipline was imposed or services provided to address the incident of harassment, intimidation, or bullying. This information must be provided in writing within five school days after the results of the investigation are reported to the board. A parent or guardian may request a hearing before the board after receiving the information, and the hearing must be held within ten days of the request. The board shall meet in executive session for the hearing to protect the confidentiality of the students. At the hearing, the board may hear from the school principal about the incident, recommendations for discipline or services, and any programs instituted to reduce these incidents;

(e) at the next school district board of trustees meeting following its receipt of the report, the board shall issue a decision, in writing, to affirm, reject, or modify the superintendent's decision. The board's decision may be appealed to the State Superintendent of Education, in accordance with the procedures set forth in law and regulation, no later than ninety days after the issuance of the board's decision;

(7) a statement that prohibits reprisal or retaliation against a person who reports an act of harassment, intimidation, or bullying;

(8) consequences and appropriate remedial action for persons found to have falsely accused another;

(9) a process for discussing the district's harassment, intimidation, or bullying policy with students; and

(10) a statement of how the policy is to be publicized, including notice that the policy applies to participation in school-sponsored functions- **; and**

(11) a requirement that a link to the policy be prominently posted on the home page of the school district's website and distributed annually to parents and guardians who have children enrolled in a school in the school district.

(C) To assist local school districts in developing policies for the prevention of harassment, intimidation, or bullying, the State Board of Education shall develop model policies applicable to grades kindergarten through twelve. Additionally, the State Board of Education shall develop teacher preparation program standards on the identification and prevention of bullying. The model policies and standards must be developed no later than September 1, 2006.

(D) The local school board shall ensure that the school district's policy developed pursuant to this article is included in the school district's publication of the comprehensive rules, procedures, and standards of conduct for schools and in the student's handbook.

(E) Information regarding a local school district policy against harassment, intimidation, or bullying must be incorporated into a school's employee training program. Training also should be provided to school volunteers who have significant contact with students.

(F) Schools and school districts are encouraged to establish bullying prevention programs and other initiatives involving school staff, students, administrators, volunteers, parents, law enforcement, and community members.”

SECTION 3. Section 59-63-150 of the 1976 Code, as added by Act 353 of 2006, is amended to read:

“Section 59-63-150. (A) This article ~~must~~ **may** not be interpreted to prevent a victim from seeking redress pursuant to another available civil or criminal law. This section does not create or alter tort liability.

(B) A school employee or volunteer who promptly reports an incident of harassment, intimidation, or bullying to the appropriate school official designated by the local school district's policy, and who makes this report in compliance with the procedures in the district's policy, is immune from a cause of action for damages arising from failure to remedy the reported incident.

(C) This article may not be construed to permit school officials to punish student expression or speech based on an undifferentiated fear or apprehension of disturbance or out of a desire to avoid the discomfort and unpleasantness that always accompany an unpopular viewpoint.

(D) Nothing in this article may be construed to require an exhaustion of the administrative complaint process before civil or criminal law remedies may be pursued regarding bullying or harassing behavior.

(E) The provisions of this article are severable, and if any provision of this article is held invalid by a court of competent jurisdiction, the invalidity does not affect other provisions of this article which can be given effect without the invalid provision.

(F) Nothing in this act may be construed to create any classification, protected class, suspect category, or preference beyond those existing in present statute or case law.”

SECTION 4. Article 2, Chapter 63, Title 59 of the 1976 Code is amended by adding:

“Section 59-63-160. (A) A school employee who observes or who has direct knowledge from a participant or victim of an act of violence shall, in accordance with standards established by the district, file a report describing the incident to the school principal in a manner prescribed by the district superintendent, and copy of the report must be forwarded to the district superintendent.

(B) The principal shall notify the district superintendent of the action taken regarding the incident. Annually, at a public hearing, the district superintendent shall report to the district board of trustees all acts of violence and harassment, intimidation, or bullying that occurred during the previous school year. The report must include the number of reports of harassment, intimidation, or bullying, the status of all investigations, the nature of the bullying based on one of the protected categories identified in section 59-63-120(1)(c), the names of the investigators, the type and nature of any discipline imposed on any student engaged in harassment, intimidation, or bullying, and any other measures imposed, training conducted, or programs implemented, to reduce harassment, intimidation, or bullying. The information also must be reported once each school year to the Department of Education. The report must include data broken down by the enumerated categories as listed in Section 59-63-120(1)(c), and data broken down by each school in the district, in addition to district-wide data. It is a violation to improperly release any confidential information not authorized by federal or state law for public release.

(C) The report must be used to grade each school for the purpose of assessing its effort to identify harassment, intimidation, or bullying. The district shall receive a grade determined by averaging the grades of all the schools in the district. The Department of Education shall adopt guidelines for a program to grade schools for the purposes of this subsection.

(D) The grade received by a school and the district must be posted on the homepage of the school's website. The grade for the district and each school of the district must be posted on the homepage of the district's website. A link to the report must be available on the district's website. The information must be posted on the websites within ten days of the receipt of a grade by the school and district.”

SECTION 5. This act takes effect upon approval by the Governor.

SOUTH DAKOTA

TENNESSEE

TENN. CODE ANN. § 49-6-1014 (2011). HARASSMENT, INTIMIDATION OR BULLYING; LEGISLATIVE FINDINGS

The general assembly finds and declares that:

- (1) A safe and civil environment is necessary for students to learn and achieve high academic standards;
- (2) Harassment, intimidation or bullying, like other disruptive or violent behavior, is conduct that disrupts a student's ability to learn and a school's ability to educate its students in a safe environment; and
- (3) Students learn by example. School administrators, faculty, staff and volunteers who demonstrate appropriate behavior, treating others with civility and respect and refusing to tolerate harassment, intimidation or bullying, encourage others to do so as well.

TENN. CODE ANN. § 49-6-1015 (2011). HARASSMENT, INTIMIDATION OR BULLYING; DEFINITION

As used in §§ 49-6-1014, this section and §§ 49-6-1016--49-6-1019, “harassment, intimidation or bullying” means any act that substantially interferes with a student's educational benefits, opportunities or performance, that takes place on school grounds, at any school-sponsored activity, on school-provided transportation or at any official school bus stop, and that has the effect of:

- (1) Physically harming a student or damaging a student's property;
- (2) Knowingly placing a student in reasonable fear of physical harm to the student or damage to the student's property; or
- (3) Creating a hostile educational environment.

TENN. CODE ANN. § 49-6-1016 (2011). HARASSMENT, INTIMIDATION OR BULLYING; SCHOOL DISTRICT POLICIES

(a) Each school district shall adopt a policy prohibiting harassment, intimidation or bullying. School districts are encouraged to develop the policy after consultation with parents and guardians, school employees, volunteers, students, administrators and community representatives.

(b) School districts shall include in the policies:

- (1) A statement prohibiting harassment, intimidation or bullying;
- (2) A definition of harassment, intimidation or bullying;
- (3) A description of the type of behavior expected from each student;
- (4) A statement of the consequences and appropriate remedial action for a person who commits an act of harassment, intimidation or bullying;
- (5) A procedure for reporting an act of harassment, intimidation or bullying, including a provision that permits a person to report an act of harassment, intimidation or bullying anonymously. Nothing in this section may be construed to permit formal disciplinary action solely on the basis of an anonymous report;
- (6) A procedure for prompt investigation of a report of an act of harassment, intimidation or bullying;
- (7) A statement of the manner in which a school district shall respond after an act of harassment, intimidation or bullying is reported, investigated and confirmed;
- (8) A statement of the consequences and appropriate remedial action for a person found to have committed an act of harassment, intimidation or bullying;
- (9) A statement prohibiting reprisal or retaliation against any person who reports an act of harassment, intimidation or bullying and stating the consequences and appropriate remedial action for a person who engages in such reprisal or retaliation;
- (10) A statement of the consequences and appropriate remedial action for a person found to have falsely accused another of having committed an act of harassment, intimidation or bullying as a means of reprisal or retaliation or as a means of harassment, intimidation or bullying;
- (11) A statement of how the policy is to be publicized within the district, including a notice that the policy applies to behavior at school-sponsored activities;
- (12) The identification by job title of school officials responsible for ensuring that the policy is implemented; and
- (13) A procedure for discouraging and reporting conduct aimed at defining a student in a sexual manner or conduct impugning the character of a student based on allegations of sexual promiscuity.

TENN. CODE ANN. § 49-6-1018 (2011). HARASSMENT, INTIMIDATION OR BULLYING; RETALIATION AND REPORTING

(a) A school employee, student or volunteer may not engage in reprisal or retaliation against a victim of, witness to, or person with reliable information about an act of harassment, intimidation or bullying.

(b) A school employee, student or volunteer who witnesses or has reliable information that a student has been subjected to an act of harassment, intimidation or bullying is encouraged to report the act to the appropriate school official designated by the school district's policy.

(c) A school employee who promptly reports an act of harassment, intimidation or bullying to the appropriate school official in compliance with the procedures set forth in the school district's policy is immune from a cause of action for damages arising from any failure to remedy the reported act.

2011 TENN. PUB. ACTS CH. 251 (H.B. 301). SCHOOLS AND SCHOOL DISTRICTS--POLICIES—HARASSMENT (EFFECTIVE 07/01/2011)

AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 6, Part 10, relative to school policies.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

<< TN ST § 49-6-1014 >>

<< TN ST § 49-6-1015 >>

<< TN ST § 49-6-1016 >>

<< TN ST § 49-6-1017 >>

<< TN ST § 49-6-1018 >>

<< TN ST § 49-6-1019 >>

SECTION 1. Tennessee Code Annotated, Sections 49-6-1014--49-6-1019, are amended by deleting the language “harassment, intimidation or bullying” wherever it appears and by substituting instead the language “harassment, intimidation, bullying or cyber-bullying.”

SECTION 2. Tennessee Code Annotated, Section 49-6-1014, is further amended by adding the following as a new, appropriately designated subdivision:

<< TN ST § 49-6-1014 >>

() The use of telephones, cellular phones or other wireless telecommunication devices, personal digital assistants (PDAs), computers, electronic mail, instant messaging, text messaging, and web sites by students in a manner that is safe and secure is essential to a safe and civil learning environment and is necessary for students to successfully use technology.

SECTION 3. Tennessee Code Annotated, Section 49–6–1015, is amended by deleting the section in its entirety and by substituting instead the following:

<< TN ST § 49–6–1015 >>

(a) As used in § 49–6–1014, this section and §§ 49–6–1016 through 49–6–1019:

(1) “Cyber-bullying” means bullying undertaken through the use of electronic devices;

(2) “Electronic devices” include, but are not limited to, telephones, cellular phones or other wireless telecommunication devices, personal digital assistants (PDAs), computers, electronic mail, instant messaging, text messaging, and web sites;

(3) “Harassment, intimidation or bullying” means any act that substantially interferes with a student's educational benefits, opportunities or performance; and:

(A) If the act takes place on school grounds, at any school-sponsored activity, on school-provided equipment or transportation or at any official school bus stop, the act has the effect of:

(i) Physically harming a student or damaging a student's property;

(ii) Knowingly placing a student or students in reasonable fear of physical harm to the student or damage to the student's property;

(iii) Causing emotional distress to a student or students; or

(iv) Creating a hostile educational environment; or

(B) If the act takes place off school property or outside of a school-sponsored activity, it is directed specifically at a student or students and has the effect of creating a hostile educational environment or otherwise creating a substantial disruption to the education environment or learning process.

SECTION 4. This act shall take effect July 1, 2011, the public welfare requiring it.

Approved this 23rd day of May, 2011

TEXAS

TEX. EDUC. CODE ANN. § 25.0342 (2011). TRANSFER OF VICTIMS OF BULLYING

(a) In this section, “bullying” means engaging in written or verbal expression or physical conduct that a school district board of trustees or the board's designee determines:

(1) will have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property; or

(2) is sufficiently severe, persistent, or pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student.

(b) On the request of a parent or other person with authority to act on behalf of a student who is a victim of bullying, the board of trustees of a school district or the board's designee shall transfer the victim to:

(1) another classroom at the campus to which the victim was assigned at the time the bullying occurred; or

(2) a campus in the school district other than the campus to which the victim was assigned at the time the bullying occurred.

(c) The board of trustees or the board's designee shall verify that a student has been a victim of bullying before transferring the student under this section.

(d) The board of trustees or the board's designee may consider past student behavior when identifying a bully.

(e) The determination by the board of trustees or the board's designee is final and may not be appealed.

(f) A school district is not required to provide transportation to a student who transfers to another campus under Subsection (b)(2).

(g) Section 25.034 does not apply to a transfer under this section.

TEX. EDUC. CODE ANN. § 37.001 (2011). STUDENT CODE OF CONDUCT

(a) The board of trustees of an independent school district shall, with the advice of its district-level committee established under Subchapter F, Chapter 11, adopt a student code of conduct for the district. The student code of conduct must be posted and prominently displayed at each school campus or made available for review at the office of the campus principal. In addition to establishing standards for student conduct, the student code of conduct must:

(1) specify the circumstances, in accordance with this subchapter, under which a student may be removed from a classroom, campus, or disciplinary alternative education program;

(2) specify conditions that authorize or require a principal or other appropriate administrator to transfer a student to a disciplinary alternative education program;

(3) outline conditions under which a student may be suspended as provided by Section 37.005 or expelled as provided by Section 37.007;

(4) specify that consideration will be given, as a factor in each decision concerning suspension, removal to a disciplinary alternative education program, expulsion, or placement in a juvenile justice alternative education program, regardless of whether the decision concerns a mandatory or discretionary action, to:

(A) self-defense;

(B) intent or lack of intent at the time the student engaged in the conduct;

(C) a student's disciplinary history; or

(D) a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct;

(5) provide guidelines for setting the length of a term of:

(A) a removal under Section 37.006; and

(B) an expulsion under Section 37.007;

(6) address the notification of a student's parent or guardian of a violation of the student code of conduct committed by the student that results in suspension, removal to a disciplinary alternative education program, or expulsion;

(7) prohibit bullying, harassment, and making hit lists and ensure that district employees enforce those prohibitions; and

(8) provide, as appropriate for students at each grade level, methods, including options, for:

(A) managing students in the classroom and on school grounds;

(B) disciplining students; and

(C) preventing and intervening in student discipline problems, including bullying, harassment, and making hit lists.

(b) In this section:

(1) "Harassment" means threatening to cause harm or bodily injury to another student, engaging in sexually intimidating conduct, causing physical damage to the property of another student, subjecting another student to physical confinement or restraint, or maliciously taking any action that substantially harms another student's physical or emotional health or safety.

(2) "Hit list" means a list of people targeted to be harmed, using:

(A) a firearm, as defined by Section 46.01(3), Penal Code;

(B) a knife, as defined by Section 46.01(7), Penal Code; or

(C) any other object to be used with intent to cause bodily harm.

(b-1) The methods adopted under Subsection (a)(8) must provide that a student who is enrolled in a special education program under Subchapter A, Chapter 29, may not be disciplined for conduct prohibited in accordance with Subsection (a)(7) until an admission, review, and dismissal committee meeting has been held to review the conduct.

(c) Once the student code of conduct is promulgated, any change or amendment must be approved by the board of trustees.

(d) Each school year, a school district shall provide parents notice of and information regarding the student code of conduct.

(e) Except as provided by Section 37.007(e), this subchapter does not require the student code of conduct to specify a minimum term of a removal under Section 37.006 or an expulsion under Section 37.007.

**TEX. EDUC. CODE ANN. § 37.217 (2011). COMMUNITY EDUCATION
RELATING TO INTERNET SAFETY**

(a) The center, in cooperation with the attorney general, shall develop a program that provides instruction concerning Internet safety, including instruction relating to:

(1) the potential dangers of allowing personal information to appear on an Internet website;

(2) the manner in which to report an inappropriate online solicitation; and

(3) the prevention, detection, and reporting of bullying or threats occurring over the Internet.

(b) In developing the program, the center shall:

(1) solicit input from interested stakeholders; and

(2) to the extent practicable, draw from existing resources and programs.

(c) The center shall make the program available to public schools.

**2011 TEX. SESS. LAW SERV. CH. 776 (H.B. 1942). BULLYING IN PUBLIC
SCHOOLS (EFFECTIVE IMMEDIATELY)**

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 21.451(d), Education Code, is amended to read as follows:

<< TX EDUC § 21.451 >>

(d) The staff development:

(1) may include training in:

(A) technology;

(B) conflict resolution; ~~and~~

(C) discipline strategies, including classroom management, district discipline policies, and the student code of conduct adopted under Section 37.001 and Chapter 37; and

(D) preventing, identifying, responding to, and reporting incidents of bullying; and

(2) subject to Subsection (e), must include training based on scientifically based research, as defined by Section 9101, No Child Left Behind Act of 2001 (20 U.S.C. Section 7801), that:

(A) relates to instruction of students with disabilities; and

(B) is designed for educators who work primarily outside the area of special education.

SECTION 2. The heading to Section 25.0342, Education Code, is amended to read as follows:

<< TX ST § 25.0342 hd. >>

Sec. 25.0342. TRANSFER OF **STUDENTS WHO ARE** VICTIMS OF **OR HAVE ENGAGED IN** BULLYING.

SECTION 3. Section 25.0342, Education Code, is amended by amending Subsection (a) and adding Subsections (b–1) and (b–2) to read as follows:

<< TX ST § 25.0342 >>

(a) In this section, “bullying” **has the meaning assigned by Section 37.0832** ~~[means engaging in written or verbal expression or physical conduct that a school district board of trustees or the board's designee determines:~~

~~[(1) will have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property; or~~

~~[(2) is sufficiently severe, persistent, or pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student].~~

(b–1) The board of trustees of a school district may transfer the student who engaged in bullying to:

(1) another classroom at the campus to which the victim was assigned at the time the bullying occurred; or

(2) a campus in the district other than the campus to which the victim was assigned at the time the bullying occurred, in consultation with a parent or other person with authority to act on behalf of the student who engaged in bullying.

(b–2) Section 37.004 applies to a transfer under Subsection (b–1) of a student with a disability who receives special education services.

SECTION 4. Section 28.002, Education Code, is amended by adding Subsection (s) to read as follows:

<< TX ST § 28.002 >>

(s) In this subsection, “bullying” has the meaning assigned by Section 37.0832 and “harassment” has the meaning assigned by Section 37.001. In addition to any other essential knowledge and skills the State Board of Education adopts for the health curriculum under Subsection (a)(2)(B), the board shall adopt for the health curriculum, in consultation with the Texas School Safety Center, essential knowledge and skills that include evidence-based practices that will effectively address awareness, prevention, identification, self-defense in response to, and resolution of and intervention in bullying and harassment.

SECTION 5. Section 37.001(b), Education Code, is amended to read as follows:

<< TX ST § 37.001 >>

(b) In this section:

(1) **“Bullying” has the meaning assigned by Section 37.0832.**

(2) **“Harassment” means threatening to cause harm or bodily injury to another student, engaging in sexually intimidating conduct, causing physical damage to the property of another student, subjecting another student to physical confinement or restraint, or maliciously taking any action that substantially harms another student's physical or emotional health or safety.**

(3) [(2)] “Hit list” means a list of people targeted to be harmed, using:

(A) a firearm, as defined by Section 46.01(3), Penal Code;

(B) a knife, as defined by Section 46.01(7), Penal Code; or

(C) any other object to be used with intent to cause bodily harm.

SECTION 6. Section 37.083(a), Education Code, is amended to read as follows:

<< TX ST § 37.083 >>

(a) Each school district shall adopt and implement a discipline management program to be included in the district improvement plan under Section 11.252. The program must provide for prevention of and education concerning unwanted physical or verbal aggression **and** [5] sexual harassment [~~and other forms of bullying~~] in school, on school grounds, and in school vehicles.

SECTION 7. Subchapter C, Chapter 37, Education Code, is amended by adding Section 37.0832 to read as follows:

<< TX ST § 37.0832 >>

Sec. 37.0832. BULLYING PREVENTION POLICIES AND PROCEDURES. (a) In this section, “bullying” means, subject to Subsection (b), engaging in written or verbal expression, expression through electronic means, or physical conduct that occurs on school property, at a school-sponsored or school-related activity, or in a vehicle operated by the district and that:

(1) has the effect or will have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property; or

(2) is sufficiently severe, persistent, and pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student.

(b) Conduct described by Subsection (a) is considered bullying if that conduct:

(1) exploits an imbalance of power between the student perpetrator and the student victim through written or verbal expression or physical conduct; and

(2) interferes with a student's education or substantially disrupts the operation of a school.

(c) The board of trustees of each school district shall adopt a policy, including any necessary procedures, concerning bullying that:

(1) prohibits the bullying of a student;

(2) prohibits retaliation against any person, including a victim, a witness, or another person, who in good faith provides information concerning an incident of bullying;

(3) establishes a procedure for providing notice of an incident of bullying to a parent or guardian of the victim and a parent or guardian of the bully within a reasonable amount of time after the incident;

(4) establishes the actions a student should take to obtain assistance and intervention in response to bullying;

(5) sets out the available counseling options for a student who is a victim of or a witness to bullying or who engages in bullying;

(6) establishes procedures for reporting an incident of bullying, investigating a reported incident of bullying, and determining whether the reported incident of bullying occurred;

(7) prohibits the imposition of a disciplinary measure on a student who, after an investigation, is found to be a victim of bullying, on the basis of that student's use of reasonable self-defense in response to the bullying; and

(8) requires that discipline for bullying of a student with disabilities comply with applicable requirements under federal law, including the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.).

(d) The policy and any necessary procedures adopted under Subsection (c) must be included:

(1) annually, in the student and employee school district handbooks; and

(2) in the district improvement plan under Section 11.252.

(e) The procedure for reporting bullying established under Subsection (c) must be posted on the district's Internet website to the extent practicable.

<< Note: TX ST § 21.451 >>

SECTION 8. This Act applies beginning with the 2012–2013 school year.

SECTION 9. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas

Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2011.

THE FOLLOWING BILL HAS NOT BEEN ENACTED AND IS CURRENTLY NOT THE LAW OF TEXAS. H.R. 1467, 82ND LEG., REG. SESS. (TEX. 2011). RELATING TO BULLYING AND CYBERBULLYING IN PUBLIC SCHOOLS; PROVIDING PENALTIES

Bill Status: In House Committee on Education as of 03/02/2011

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 21.451(d), Education Code, is amended to read as follows:

(d) The staff development:

(1) may include training in:

(A) technology;

(B) conflict resolution; and

(C) discipline strategies, including classroom management, district discipline policies, and the student code of conduct adopted under Section 37.001 and Chapter 37; ~~and~~ (2) subject to Subsection (e), must include training based on scientifically based research, as defined by Section 9101, No Child Left Behind Act of 2001 (20 U.S.C. Section 7801), that:

(A) relates to instruction of students with disabilities; and

(B) is designed for educators who work primarily outside the area of special education; **and**

(3) must include training to address bullying and cyberbullying, as those terms are defined by Section 25.0342, paid for with local money, including money from fines imposed under Section 26.016(b) or 37.902.

SECTION 2. The heading to Section 25.0342, Education Code, is amended to read as follows:

Sec. 25.0342. TRANSFER OF VICTIMS OF BULLYING **OR CYBERBULLYING.**

SECTION 3. Section 25.0342, Education Code, is amended by amending Subsections (a), (b), and (c) and adding Subsection (a-1) to read as follows:

(a) In this section:

(1) "Bullying" ~~["bullying"]~~ means ~~[engaging in]~~ written or verbal expression or physical conduct that a **student or group of students exhibits toward another particular**

student or another particular group of students and that a school district board of trustees or the board's designee determines:

(A) ~~[(1)]~~ will have the effect of physically **or mentally** harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property; or

(B) ~~[(2)]~~ is sufficiently severe, persistent, or pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student.

(2) "Cyberbullying" means electronic communication, including through the use of a cellular or other type of telephone, a computer, a pager, a camera, electronic mail, instant messaging, text messaging, or an Internet website, from a student to another student or from a student to a school district employee:

(A) that a district board of trustees or the board's designee determines:

(i) will have the effect of physically or mentally harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property; or

(ii) is sufficiently severe, persistent, or pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student or district employee; and

(B) that takes place:

(i) on district property, during a school or school-sponsored activity, on a school bus, or at a school bus stop;

(ii) through a district data system without proper authorization by a district employee; or

(iii) through a computer network off of district property.

(a-1) In making a determination under Subsection (a), the board of trustees or the board's designee shall consider:

(1) the specific written or verbal expression, physical conduct, or electronic communication by the perpetrator;

(2) whether the written or verbal expression, physical conduct, or electronic communication occurred in front of or was communicated to a person other than the victim;

(3) the manner in which the perpetrator interacted with the victim; and

(4) the perpetrator's motivation, either admitted or appropriately inferred.

(b) On the request of a parent or other person with authority to act on behalf of a student who is a victim of bullying **or cyberbullying**, the board of trustees of a school district or the board's designee shall transfer the victim to:

(1) another classroom at the campus to which the victim was assigned at the time the bullying **or cyberbullying** occurred; or

(2) a campus in the school district other than the campus to which the victim was assigned at the time the bullying **or cyberbullying** occurred.

(c) The board of trustees or the board's designee shall verify that a student has been a victim of bullying **or cyberbullying** before transferring the student under this section.

SECTION 4. Chapter 26, Education Code, is amended by adding

Section 26.016 to read as follows:

Sec. 26.016. LIABILITY OF PARENTS FOR BULLYING OR CYBERBULLYING BY CHILD.

(a) In this section, “bullying” and “cyberbullying” have the meanings assigned by Section 25.0342.

(b) A student's parent who negligently fails to exercise reasonable control or discipline over the student as necessary to prevent bullying or cyberbullying by the student commits an offense. An offense under this subsection is a misdemeanor punishable by a fine not to exceed \$100 for each day on which the bullying or cyberbullying occurs. Each fine collected under this subsection shall be deposited to the operating fund of the school district in which the student attends school to be used to provide training under Section 21.451(d)(3).

(c) A student's parent who negligently fails to exercise reasonable control or discipline over the student as necessary to prevent bullying or cyberbullying by the student is liable to the extent provided by Subsection (e) for any injury to or the death of another student that is proximately caused by the bullying or cyberbullying.

(d) A student's parent who negligently fails to exercise reasonable control or discipline over the student as necessary to prevent cyberbullying by the student is liable to the extent provided by Subsection (e) for any injury to or the death of a school district employee that is proximately caused by the cyberbullying, if the cyberbullying is in retaliation for or as a result of the employee's employment or association with the district, without regard to whether the cyberbullying occurs on or off of school district property or while attending a school-sponsored or school-related activity on or off of school property.

(e) Recovery under Subsection (c) or (d) is limited to actual damages for medical, dental, or hospital expenses, not to exceed \$25,000, plus court costs and attorney's fees.

SECTION 5. Sections 37.001(a) and (b), Education Code, are amended to read as follows:

(a) The board of trustees of an independent school district shall, with the advice of its district-level committee established under Subchapter F, Chapter 11, adopt a student code of conduct for the district. The student code of conduct must be posted and prominently displayed at each school campus or made available for review at the office of the campus principal. In addition to establishing standards for student conduct, the student code of conduct must:

(1) specify the circumstances, in accordance with this subchapter, under which a student may be removed from a classroom, campus, or disciplinary alternative education program;

(2) specify conditions that authorize or require a principal or other appropriate administrator to transfer a student to a disciplinary alternative education program;

(3) outline conditions under which a student may be suspended as provided by Section 37.005 or expelled as provided by Section 37.007;

(4) specify that consideration will be given, as a factor in each decision concerning suspension, removal to a disciplinary alternative education program, expulsion, or placement in a juvenile justice alternative education program, regardless of whether the decision concerns a mandatory or discretionary action, to:

(A) self-defense;

(B) intent or lack of intent at the time the student engaged in the conduct;

(C) a student's disciplinary history; or

(D) a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct;

(5) provide guidelines for setting the length of a term of:

(A) a removal under Section 37.006; and

(B) an expulsion under Section 37.007;

(6) address the notification of a student's parent or guardian of a violation of the student code of conduct committed by the student that results in suspension, removal to a disciplinary alternative education program, or expulsion;

(7) prohibit bullying, **cyberbullying**, harassment, and making hit lists and ensure that district employees enforce those prohibitions; and

(8) provide, as appropriate for students at each grade level, methods, including options, for:

(A) managing students in the classroom and on school grounds;

(B) disciplining students; and

(C) preventing and intervening in student discipline problems, including bullying, **cyberbullying**, harassment, and making hit lists.

(b) In this section:

(1) **“Bullying” and “cyberbullying” have the meanings assigned by Section 25.0342.**

(2) “Harassment” means threatening to cause harm or bodily injury to another student, engaging in sexually intimidating conduct, causing physical damage to the property of another student, subjecting another student to physical confinement or restraint, or maliciously taking any action that substantially harms another student's physical or emotional health or safety.

(3) ~~[(2)]~~ “Hit list” means a list of people targeted to be harmed, using:

(A) a firearm, as defined by Section 46.01(3), Penal Code;

(B) a knife, as defined by Section 46.01(7), Penal Code; or

(C) any other object to be used with intent to cause bodily harm.

SECTION 6. Section 37.083(a), Education Code, is amended to read as follows:

(a) Each school district shall adopt and implement a discipline management program to be included in the district improvement plan under Section 11.252. The program must provide for prevention of and education concerning unwanted physical or verbal aggression, sexual harassment, ~~[and other forms of]~~ bullying, **and cyberbullying** in school, on school grounds, and in school vehicles.

SECTION 7. Section 37.217(a), Education Code, is amended to read as follows:

(a) The center, in cooperation with the attorney general, shall develop a program that provides instruction concerning Internet safety, including instruction relating to:

(1) the potential dangers of allowing personal information to appear on an Internet website;

(2) the manner in which to report an inappropriate online solicitation; and

(3) the prevention, detection, and reporting of bullying **or cyberbullying, as those terms are defined by Section 25.0342** [~~or threats occurring over the Internet~~].

SECTION 8. Chapter 37, Education Code, is amended by adding Subchapter Z to read as follows:

SUBCHAPTER Z. MISCELLANEOUS PROVISIONS RELATING TO DISCIPLINE

Sec. 37.902. OFFENSE: BULLYING OR CYBERBULLYING.

(a) In this section, “bullying” and “cyberbullying” have the meanings assigned by Section 25.0342.

(b) A student who engages in bullying or cyberbullying commits an offense.

(c) An offense under this section is a misdemeanor punishable by a fine not to exceed \$100 for each day on which the bullying or cyberbullying occurs.

(d) Each fine collected under this section shall be deposited to the operating fund of the school district in which the student attends school to be used to provide training under Section 21.451(d)(3).

SECTION 9. Sections 41.001 and 41.002, Family Code, are amended to read as follows:

Sec. 41.001. LIABILITY. A parent or other person who has the duty of control and reasonable discipline of a child is liable for any property damage proximately caused by:

(1) the negligent conduct of the child if the conduct is reasonably attributable to the negligent failure of the parent or other person to exercise that duty; or

(2) the wilful and malicious conduct of a child who is ~~at least 10 years of age but~~ under 18 years of age.

Sec. 41.002. LIMIT OF DAMAGES. Recovery for **property** damage caused by wilful and malicious conduct is limited to actual damages, not to exceed \$25,000 per occurrence, plus court costs and reasonable attorney's fees.

SECTION 10. This Act takes effect September 1, 2011.

UTAH

UTAH CODE ANN. § 53A-11a-102 (2011). DEFINITIONS

As used in this chapter:

(1)(a) “Bullying” means intentionally or knowingly committing an act that:

(i)(A) endangers the physical health or safety of a school employee or student;

(B) involves any brutality of a physical nature such as whipping, beating, branding, calisthenics, bruising, electric shocking, placing of a harmful substance on the body, or exposure to the elements;

(C) involves consumption of any food, liquor, drug, or other substance;

(D) involves other physical activity that endangers the physical health and safety of a school employee or student; or

(E) involves physically obstructing a school employee's or student's freedom to move; and

(ii) is done for the purpose of placing a school employee or student in fear of:

(A) physical harm to the school employee or student; or

(B) harm to property of the school employee or student.

(b) The conduct described in Subsection (1)(a) constitutes bullying, regardless of whether the person against whom the conduct is committed directed, consented to, or acquiesced in, the conduct.

(2) “Communication” means the conveyance of a message, whether verbal, written, or electronic.

(3) “Cyber-bullying” means using the Internet, a cell phone, or another device to send or post text, video, or an image with the intent or knowledge, or with reckless disregard, that the text, video, or image will hurt, embarrass, or threaten an individual, regardless of whether the individual directed, consented to, or acquiesced in the conduct, or voluntarily accessed the electronic communication.

(4) “Harassment” means repeatedly communicating to another individual, in an objectively demeaning or disparaging manner, statements that contribute to a hostile learning or work environment for the individual.

(5)(a) “Hazing” means intentionally or knowingly committing an act that:

(i)(A) endangers the physical health or safety of a school employee or student;

(B) involves any brutality of a physical nature such as whipping, beating, branding, calisthenics, bruising, electric shocking, placing of a harmful substance on the body, or exposure to the elements;

(C) involves consumption of any food, liquor, drug, or other substance;

(D) involves other physical activity that endangers the physical health and safety of a school employee or student; or

(E) involves physically obstructing a school employee's or student's freedom to move; and

(ii)(A) is done for the purpose of initiation or admission into, affiliation with, holding office in, or as a condition for, membership or acceptance, or continued membership or acceptance, in any school or school sponsored team, organization, program, or event; or

(B) if the person committing the act against a school employee or student knew that the school employee or student is a member of, or candidate for, membership with a school, or school sponsored team, organization, program, or event to which the person committing the act belongs to or participates in.

(b) The conduct described in Subsection (5)(a) constitutes hazing, regardless of whether the person against whom the conduct is committed directed, consented to, or acquiesced in, the conduct.

(6) “Policy” means a bullying and hazing policy described in Section 53A-11a-301.

(7) “Retaliate” means an act or communication intended:

(a) as retribution against a person for reporting bullying or hazing; or

(b) to improperly influence the investigation of, or the response to, a report of bullying or hazing.

(8) “School” means any public elementary or secondary school or charter school.

(9) “School board” means:

(a) a local school board; or

(b) a local charter board.

(10) “School employee” means:

(a) school teachers;

(b) school staff;

(c) school administrators; and

(d) all others employed, directly or indirectly, by the school, school board, or school district.

UTAH CODE ANN. § 53A-11a-201 (2011). BULLYING, CYBER-BULLYING, HARASSMENT, HAZING, SEXUAL BATTERY, AND SEXUAL EXPOSURE PROHIBITED

(1) No school employee or student may engage in bullying or harassing a school employee or student:

(a) on school property;

(b) at a school related or sponsored event;

(c) on a school bus;

(d) at a school bus stop; or

(e) while the school employee or student is traveling to or from a location or event described in Subsections (1)(a) through (d).

(2) No school employee or student may engage in hazing or cyber-bullying a school employee or student at any time or in any location.

UTAH CODE ANN. § 53A-11a-202 (2011). Retaliation and making false allegation prohibited

(1) No school employee or student may engage in retaliation against:

(a) a school employee;

(b) a student; or

(c) an investigator for, or a witness of, an alleged incident of bullying, cyber-bullying, harassment, hazing, or retaliation.

(2) No school employee or student may make a false allegation of bullying, cyber-bullying, harassment, hazing, or retaliation against a school employee or student.

UTAH CODE ANN. § 53A-11a-301 (2011). BULLYING, CYBER-BULLYING, HARASSMENT, HAZING, AND RETALIATION POLICY

(1) On or before September 1, 2012, each school board shall adopt a bullying, cyber-bullying, harassment, and hazing policy consistent with this chapter.

(2) The policy shall:

(a) be developed only with input from:

- (i) students;
- (ii) parents;
- (iii) teachers;
- (iv) school administrators;
- (v) school staff; or
- (vi) local law enforcement agencies;and

(b) provide protection to a student, regardless of the student's legal status.

(3) The policy shall include the following components:

(a) definitions of bullying , cyber-bullying, harassment, and hazing that are consistent with this chapter;

(b) language prohibiting bullying, cyber-bullying, harassment, and hazing;

(c) language prohibiting retaliation against an individual who reports conduct that is prohibited under this chapter; and

(d) language prohibiting making a false report of bullying, cyber-bullying, harassment, hazing, or retaliation.

(4) A copy of the policy shall be included in student conduct handbooks and employee handbooks.

(5) A policy may not permit formal disciplinary action that is based solely on an anonymous report of bullying,cyber-bullying, harassment, hazing, or retaliation.

(6) Nothing in this chapter is intended to infringe upon the right of a school employee or student to exercise their right of free speech.

UTAH CODE ANN. § 53A-11a-401 (2011). TRAINING, EDUCATION, AND PREVENTION

(1) A school board shall include in the training of a school employee, training regarding bullying, cyber-bullying, harassment, hazing, and retaliation.

(2) To the extent that state or federal funding is available for this purpose, school boards are encouraged to implement programs or initiatives, in addition to the training described

in Subsection (1), to provide for training and education regarding, and the prevention of, bullying, hazing, and retaliation.

(3) The programs or initiatives described in Subsection (2) may involve:

(a) the establishment of a bullying task force; or

(b) the involvement of school employees, students, or law enforcement.

UTAH CODE ANN. § 53A-11a-402 (2011). OTHER FORMS OF LEGAL REDRESS

(1) Nothing in this chapter prohibits a victim of bullying, cyber-bullying, harassment, hazing, or retaliation from seeking legal redress under any other provisions of civil or criminal law.

(2) This section does not create or alter tort liability.

VERMONT

Vt. STAT. ANN. tit. 16, § 11 (2011). CLASSIFICATIONS AND DEFINITIONS

(a) For the purposes of this title, unless the context otherwise clearly requires:

(1) “Commissioner” means the commissioner of education.

(2) “Electorate” means the qualified voters in a school district voting at a properly warned school district meeting.

(3) “Elementary education” means a program of public school education adapted to the needs of pupils in kindergarten and the first six grades.

(4) “Grades” means the division of the educational work of the public schools into thirteen school year units beginning with kindergarten and thereafter numbered from one to twelve beginning with the lowest. The first six grades and kindergarten are the elementary grades. The last six grades are the high school grades. This classification is not a limitation of the character of work, the organization of school facilities, or the studies that may be carried on in either the elementary or the high schools.

(5) “Secondary education or high school education” means a program of public school education of six years adapted to the needs of pupils who have completed their elementary education.

(6) “Kindergarten” means an educational program for children of one year adapted to the needs of pupils who will attend first grade the following year.

- (7) “Public school” means an elementary school or secondary school for which the governing board is publicly elected. A public school may maintain evening or summer schools for its pupils and it shall be considered a public school.
- (8) “Independent school” means a school other than a public school, which provides a program of elementary or secondary education, or both. An “independent school meeting school quality standards” means an independent school in Vermont which undergoes the school quality standards process and meets the requirements of subsection 165(b) of this title.
- (9) “School board” means the board of school directors elected to manage the schools of a school district, the prudential committee of an incorporated school district, the supervisory union board of directors, and the supervisors of unorganized towns and gores.
- (10) “School district” means town school districts, union school districts, interstate school districts, city school districts, unified union districts, and incorporated school districts.
- (11) “School district meeting” means a duly warned meeting of a school district at which questions are presented to the electorate.
- (12) “School year” means the year beginning July 1 and ending the next June 30.
- (13) “Superintendent” means the superintendent of schools elected as the chief executive officer of a school district or a supervisory union.
- (14) “Department of education” means the commissioner, and the staff necessary to carry out the functions of the department.
- (15) “State board” means the state board of education established by chapter 3 of this title.
- (16) Repealed.
- (17) “Adult education and literacy” means a program of public education adapted to the needs of persons who are beyond compulsory school age, and who have not completed high school education.
- (18) “Approved public school” means a public school which is approved under section 165 of this title.
- (19) “Recognized independent school” for any school year means an independent school which meets the requirements for recognized independent schools in section 166 of this title and which is not a home study program.

(20) “Approved independent school” means an independent school which is approved under section 166 of this title.

(21) “Home study program” means an educational program offered through home study which provides a minimum course of study and which is offered to not more than:

(A) children residing in that home; and

(B) children not residing in that home who either are two or fewer in number or who are from one family.

(22) Repealed.

(23) “Supervisory union” means an administrative, planning, and educational service unit created by the state board under section 261 of this title, which consists of two or more school districts; if the context clearly allows, the term may also include a supervisory district.

(24) “Supervisory district” means a supervisory union which consists of only one school district, which may be a unified union district.

(25) “Remedial” and “compensatory” services mean educational services, not including special education services, for children who require additional assistance in order to benefit from general classroom instruction and include education services for children at risk of school failure.

(26)(A) “Harassment” means an incident or incidents of verbal, written, visual, or physical conduct based on or motivated by a student's or a student's family member's actual or perceived race, creed, color, national origin, marital status, sex, sexual orientation, gender identity, or disability that has the purpose or effect of objectively and substantially undermining and detracting from or interfering with a student's educational performance or access to school resources or creating an objectively intimidating, hostile, or offensive environment.

(B) “Harassment” includes conduct which violates subdivision (A) of this subdivision (26) and constitutes one or more of the following:

(i) Sexual harassment, which means conduct that includes unwelcome sexual advances, requests for sexual favors and other verbal, written, visual, or physical conduct of a sexual nature when one or both of the following occur:

(I) Submission to that conduct is made either explicitly or implicitly a term or condition of a student's education.

(II) Submission to or rejection of such conduct by a student is used as a component of the basis for decisions affecting that student.

(ii) Racial harassment, which means conduct directed at the characteristics of a student's or a student's family member's actual or perceived race or color, and includes the use of epithets, stereotypes, racial slurs, comments, insults, derogatory remarks, gestures, threats, graffiti, display, or circulation of written or visual material, and taunts on manner of speech and negative references to racial customs.

(iii) Harassment of members of other protected categories, which means conduct directed at the characteristics of a student's or a student's family member's actual or perceived creed, national origin, marital status, sex, sexual orientation, gender identity, or disability and includes the use of epithets, stereotypes, slurs, comments, insults, derogatory remarks, gestures, threats, graffiti, display, or circulation of written or visual material, taunts on manner of speech, and negative references to customs related to any of these protected categories.

(27) "Tutorial program" means education provided to a pupil who is placed in a short-term program for evaluation and treatment purposes.

(28) "State-placed student" means:

(A) a Vermont pupil who has been placed in a school district other than the district of residence of the pupil's parent, parents or guardian or in an approved residential facility by a Vermont state agency, a Vermont licensed child placement agency, a designated community mental health agency, or any other agency as defined by the commissioner; or

(B) a Vermont pupil who:

(i) is 18 years of age or older;

(ii) is living in a community residence as a result of placement by a Vermont state agency, a Vermont licensed child placement agency or a designated community mental health agency, and whose residential costs are paid for in whole or in part by one of these agencies; and

(iii) resides in a school district other than the district of the pupil's parent or parents; or

(C) Deleted by 2009, No. 44, §§ 14, 32, eff. May 21, 2009.

(D) A Vermont pupil who:

(i) Is in either:

(I) The legal custody of the commissioner for children and families; or

(II) The temporary legal custody of an individual pursuant to subdivision 5308(b)(3) or (4) of Title 33, until a disposition order has been entered pursuant to section 5318 of that title; and

(ii) Is determined by the commissioner of education to be in particular need of educational continuity by attending a school in a district other than the pupil's current district of residence;

(E) But does not mean a pupil placed within a correctional facility or in the Woodside Juvenile Rehabilitation Center.

(29) Repealed by 2003, No. 68, § 25.

(30)(A) “Hazing” means any act committed by a person, whether individually or in concert with others, against a student in connection with pledging, being initiated into, affiliating with, holding office in, or maintaining membership in any organization which is affiliated with an educational institution; and which is intended to have the effect of, or should reasonably be expected to have the effect of, humiliating, intimidating or demeaning the student or endangering the mental or physical health of a student. Hazing also includes soliciting, directing, aiding, or otherwise participating actively or passively in the above acts. Hazing may occur on or off the campus of an educational institution. Hazing shall not include any activity or conduct that furthers legitimate curricular, extracurricular, or military training program goals, provided that:

(i) the goals are approved by the educational institution; and

(ii) the activity or conduct furthers the goals in a manner that is appropriate, contemplated by the educational institution, and normal and customary for similar programs at other educational institutions.

(B) The definitions of “educational institution,” “organization,” “pledging,” and “student” shall be the same as those in section 140a of this title.

(31) “Early childhood education,” “early education,” or “prekindergarten education” means services designed to provide developmentally appropriate early development and learning experiences based on Vermont's early learning standards to children who are three to four years of age and to five-year-old children who are not eligible for or enrolled in kindergarten.

(32) “Bullying” means any overt act or combination of acts directed against a student by another student or group of students and which:

(A) is repeated over time;

(B) is intended to ridicule, humiliate, or intimidate the student; and

(C) occurs during the school day on school property, on a school bus, or at a school-sponsored activity, or before or after the school day on a school bus or at a school-sponsored activity.

(33)(A) “Pregnant or parenting pupil” means a legal pupil of any age who is not a high school graduate and who:

(i) is pregnant; or

(ii) has given birth, has placed a child for adoption, or has experienced a miscarriage, if any of these has occurred within one year before the public or approved independent school or the approved education program receives a request for enrollment or attendance; or

(iii) is the parent of a child.

(B) “Pregnant or parenting pupil” does not include a person whose parental rights have been terminated, except if the pupil has placed the child for adoption or has voluntarily relinquished parental rights, within one year before the public or approved independent school or the approved education program receives a request for enrollment or attendance.

(34) “Approved education program” means a program that is evaluated and approved by the state board pursuant to written standards, that is neither an approved independent school nor a public school, and that provides educational services to one or more pupils in collaboration with the pupil's or pupils' school district of residence. An “approved education program” includes an “approved teen parent education program.”

(35) “Teen parent education program” means a program designed to provide educational and other services to pregnant pupils or parenting pupils or both.

(b) Name: Each school district shall be known by the name of the municipality in which it lies or in the case of union, incorporated, and interstate school districts, by a number and by a name given the district by its school board and approved by the commissioner.

VT. STAT. ANN. tit. 16, § 165 (2011). STANDARDS OF QUALITY FOR PUBLIC SCHOOLS; EQUAL EDUCATIONAL OPPORTUNITIES

(a) In order to carry out Vermont's policy that all Vermont children will be afforded educational opportunities which are substantially equal in quality, each Vermont public school, including each technical center, shall meet the following school quality standards:

(1) The school shall, through a process including parents, teachers, students and community members, develop, implement, and annually update a comprehensive action plan to improve student performance within the school. The plan shall include goals and objectives for improved student learning and educational strategies and activities to achieve their goals. The plan shall also address the effectiveness of efforts made since the

previous action plan to ensure the school maintains a safe, orderly, civil and positive learning environment which is free from harassment, hazing and bullying. The school shall assess student performance under the plan using a method or methods of assessment developed under subdivision 164(9) of this title.

(2) The school, at least annually, reports student performance results to community members in a format selected by the school board. In the case of a regional technical center, the community means the school districts in the service region. The school report shall include:

(A) information indicating progress toward meeting standards from the most recent measure taken;

(B) Deleted by 2007, Adj. Sess., No. 154, § 7, eff. July 1, 2008.

(C) information indicating progress toward meeting the goals of an annual action plan;

(D) any other statistical information about the school or community that the school board deems necessary to place student performance results in context;

(E) Deleted by 2007, Adj. Sess., No. 154, § 7, eff. July 1, 2008.

(F) Deleted by 2007, Adj. Sess., No. 154, § 7, eff. July 1, 2008.

(G) Deleted by 2007, Adj. Sess., No. 154, § 7, eff. July 1, 2008.

(H) a description of how the school ensures that each student receives appropriate career counseling and program information regarding availability of education and apprenticeship program offerings at technical centers;

(I) Deleted by 2007, Adj. Sess., No. 154, § 7, eff. July 1, 2008.

(J) if the school is a secondary school, information and supporting data presented in a manner designed to protect student confidentiality on the dropout and graduation rates; and

(K) data provided by the commissioner which enable a comparison with other schools, or school districts if school level data are not available, for cost-effectiveness. The commissioner shall establish which data are to be included pursuant to this subdivision and, notwithstanding that the other elements of the report are to be presented in a format selected by the school board, shall develop a common format to be used by each school in presenting the data to community members. The commissioner shall provide the most recent data available to each school no later than October 1 of each year. Data to be presented may include student-to-teacher ratio, administrator-to-student ratio, administrator-to-teacher ratio, and cost per pupil.

(3) The school substantially meets standards adopted by rule of the state board regarding conditions, practices and resources of schools. The standards shall address those aspects of the following which are most closely associated with improving student performance:

(A) school leadership, staffing and support services;

(B) instructional practices and curriculum leadership, content and coordination;

(C) educational materials and school facilities;

(D) access to current technology.

(4) The school shall provide for and the staff shall use needs-based professional development designed to improve the quality of education provided to the students and directly connected to standards for student performance established by the state board and any other educational performance goals established by the school board.

(5) The school uses staff evaluation to advance educational performance objectives.

(6) The school ensures that students receive appropriate career counseling and program information regarding the availability of education and apprenticeship program offerings at technical centers. In addition, the school, if it is a secondary school, offers a genuine opportunity to access technical education programs.

(7) The school ensures that students are furnished educational services in accordance with any state or federal entitlements and in a nondiscriminatory manner.

(8) The school maintains a safe, orderly, civil and positive learning environment, which is free from hazing, harassment and bullying, and based on sound instructional and classroom management practices and clear discipline policies that are consistently and effectively enforced.

(b) Every two years, the commissioner shall determine whether students in each Vermont public school are provided educational opportunities substantially equal to those provided in other public schools. If the commissioner determines that a school is not meeting the quality standards listed in subsection (a) of this section or that the school is making insufficient progress in improving student performance in relation to the standards for student performance set forth in subdivision 164(9) of this title, he or she shall describe in writing actions that a district must take in order to meet either or both sets of standards and shall provide technical assistance to the school. If the school fails to meet the standards or make sufficient progress by the end of the next two-year period, the commissioner shall recommend to the state board one or more of the following actions:

(1) continue technical assistance;

(2) adjust supervisory union boundaries or responsibilities of the superintendency;

(3) assume administrative control only to the extent necessary to correct deficiencies; or

(4) close the school and require that the school district pay tuition to another public school or an approved independent school pursuant to chapter 21 of this title.

(c) The state board, after offering the school board an opportunity for a hearing, shall either dismiss the commissioner's recommendation or order that one or more of the actions listed in subsection (b) of this section be taken. The action ordered by the state board shall be the least intrusive consistent with the need to provide students attending the school substantially equal educational opportunities. A school board aggrieved by an order of the state board may appeal the order in accordance with the Rules of Civil Procedure.

(d) Nothing herein shall be construed to entitle any student to educational programs or services identical to those received by students in the same or any other school district. Further, nothing herein shall create a private right of action.

(e) If the commissioner determines at any time that the failure of a school to meet the school quality standards listed in subsection (a) of this section is severe or pervasive, potentially results in physical or emotional harm to students or significant deprivation of equal education opportunities, and the school has either unreasonably refused to remedy the problem or its efforts have proved ineffective, he or she may recommend to the state board one or more of the actions listed in subsection (b) of this section. The state board shall then follow the procedure of subsection (c) of this section.

(f) In order to be designated an independent school meeting school quality standards, an independent school shall participate in the school quality standards process of subsection (b) of this section. An independent school shall receive technical assistance in accordance with the provisions of subsection (b), but shall not be subject to subdivisions (b)(2)-(4) of this section. The school shall be an independent school meeting school quality standards unless the state board, after opportunity for hearing, finds that:

(1) the school has discontinued its participation in the school quality standards process; or

(2) two or more years following a determination that the school is not meeting the quality standards or that the school is making insufficient progress in improving student performance, the school fails to meet the standards or make sufficient progress toward meeting the standards.

VT. STAT. ANN. tit. 16, § 565 (2011). HARASSMENT AND HAZING PREVENTION POLICIES

(a) It is the policy of the state of Vermont that all Vermont educational institutions provide safe, orderly, civil and positive learning environments. Harassment, hazing and bullying have no place and will not be tolerated in Vermont schools. No Vermont student should feel threatened or be discriminated against while enrolled in a Vermont school.

(b) Each school board shall develop, adopt, ensure the enforcement of, and make available in the manner described under subdivision 563(1) of this title harassment and hazing prevention policies which shall be at least as stringent as model policies developed by the commissioner. In this section, the definitions of organization, pledging, and student shall be the same as those in subdivisions 140a(2), (3), and (4) of this title. In this section, educational institution means public schools and independent schools as defined in section 11 of this title.

(1) The harassment prevention policy shall include:

(A) A statement prohibiting harassment of a student.

(B) The definition of harassment pursuant to subdivision 11(a)(26) of this title.

(C) Consequences and appropriate remedial action for staff or students who commit harassment. At all stages of the investigation and determination process, school officials are encouraged to make available to complainants alternative dispute resolution methods, such as mediation, for resolving complaints.

(D) A procedure that directs students and staff how to report violations and file complaints.

(E) A procedure for investigating reports of violations and complaints. The procedure shall provide that, unless special circumstances are present and documented by the school officials, an investigation is initiated no later than one school day from the filing of a complaint and the investigation and determination by school officials are concluded no later than five school days from the filing of the complaint with a person designated to receive complaints under subdivision (c)(1) of this section. All internal reviews of the school's initial determination, including the issuance of a final decision, shall, unless special circumstances are present and documented by the school officials, be completed within 30 days after the review is requested.

(F) A description of how the board will ensure that teachers and other staff members receive training in preventing, recognizing and responding to harassment.

(2) The hazing prevention policy shall include:

(A) A statement that hazing, as defined in subdivision 11(a)(30) of this title, is prohibited.

(B) A procedure that directs students and staff how to report violations and file complaints.

(C) A procedure for investigating reports of violations and complaints.

(D) Circumstances under which hazing may be reported to a law enforcement agency.

(E) Appropriate penalties or sanctions, or both, for organizations which or individuals who engage in hazing, and revocation or suspension of an organization's permission to operate or exist within the institution's purview, if that organization knowingly permits, authorizes, or condones hazing.

(F) A description of how the board will ensure that teachers and other staff members receive training in preventing, recognizing and responding to hazing.

(c) Each school district shall establish rules setting forth procedures for dealing with harassment and hazing of students which include:

(1) Annual designation of two or more people within the institution to receive complaints and a procedure for publicizing those people's availability.

(2) A procedure for publicizing the availability of the Vermont human rights commission and the federal Department of Education's Office of Civil Rights and other appropriate state and federal agencies to receive complaints of harassment.

(3) A statement that acts of retaliation for reporting of harassment or for cooperating in an investigation of harassment is unlawful pursuant to subdivision 4503(a)(5) of Title 9.

(d) Annually, prior to the commencement of curricular and cocurricular activities, the school board shall provide notice of the policy and procedures developed under this section to students, custodial parents or guardians of students, and staff members. Notice to students shall be in age-appropriate language and should include examples of harassment and hazing. At a minimum, this notice shall appear in any publication of the school district that sets forth the comprehensive rules, procedures and standards of conduct for the school. The board shall use its discretion in developing and initiating age-appropriate programs to effectively inform students about the substance of the policy and procedures in order to help prevent harassment, and hazing.

(e) The commissioner shall develop and, from time to time, update model harassment and hazing prevention policies.

(f) Independent review.

(1) A student who desires independent review under this subsection because the student is either dissatisfied with the final determination of the school officials as to whether harassment occurred, or believes that although a final determination was made that harassment occurred, the school's response was inadequate to correct the problem, shall make such request in writing to the headmaster or superintendent of schools. Upon such request, the superintendent shall initiate an independent review by a neutral person selected from a list developed jointly by the commissioner of education and the human rights commission and maintained by the commissioner. Individuals shall be placed on

the list on the basis of their objectivity, knowledge of harassment issues, and relevant experience.

(2) The independent review shall proceed expeditiously and shall consist of an interview of the student and the relevant school officials and review of written materials involving the complaint maintained by the school or others.

(3) Upon the conclusion of the review, the reviewer shall advise the student and the school officials as to the sufficiency of the school's investigation, its determination, the steps taken by the school to correct any harassment found to have occurred, and any future steps the school should take. The reviewer shall advise the student of other remedies that may be available if the student remains dissatisfied and, if appropriate, may recommend mediation or other alternative dispute resolution.

(4) The independent reviewer shall be considered an agent of the school for the purpose of being able to review confidential student records.

(5) The costs of the independent review shall be borne by the independent school or school board.

(6) Nothing in this subsection shall prohibit the school district from requesting an independent review at any stage of the process.

(7) Evidence of conduct or statements made in connection with an independent review shall not be admissible in any court proceeding. This subdivision shall not require exclusion of any evidence otherwise obtainable from independent sources merely because it is presented in the course of an independent review.

(8) The commissioner may adopt rules implementing this subsection.

VT. STAT. ANN. tit. 16, § 1161a (2011). DISCIPLINE

(a) Each public and each approved independent school shall adopt and implement a comprehensive plan for responding to student misbehavior. To the extent appropriate, the plan shall promote the positive development of youth. The plan shall include:

(1) the school's approach to classroom management and response to disruptive behavior, including the use of alternative educational settings;

(2) the manner in which the school will provide information and training to students in methods of conflict resolution, peer mediation and anger management;

(3) procedures for informing parents of the school's discipline policies, for notifying parents of student misconduct, and for working with parents to improve student behavior;

(4) the school's response to significant disruptions, such as threats or use of bombs or weapons;

(5) a description of how the school will ensure that all staff and contractors who routinely have unsupervised contact with students periodically receive training on the maintenance of a safe, orderly, civil and positive learning environment. The training shall be appropriate to the role of the staff member being trained and shall teach classroom and behavior management, enforcement of the school's discipline policies and positive youth development models;

(6) a description of behaviors on and off school grounds which constitute misconduct, including harassment, bullying, and hazing, particularly those behaviors which may be grounds for expulsion. The plan shall include a description of misconduct as listed in subdivisions 11(a)(26)(A)-(C) and (32) of this title which, although serious, does not rise to the level of harassment or bullying as those terms are defined therein; and

(7) standard due process procedures for suspension and expulsion of a student.

(b) For the purpose of this chapter, corporal punishment means the intentional infliction of physical pain upon the body of a pupil as a disciplinary measure.

(c) No person employed by or agent of a public or approved school shall inflict or cause to be inflicted corporal punishment upon a pupil attending the school or the institution. However, this section does not prohibit a person from using reasonable and necessary force:

(1) to quell a disturbance;

(2) to obtain possession of weapons or other dangerous objects upon the person of or within the control of a pupil;

(3) for the purpose of self defense; or

(4) for the protection of persons or property.

2011 VT. ACTS & RESOLVES NO. 58 (S. 100). AMENDMENTS-EDUCATION

*

Sec. 35. 16 V.S.A. § 11(a)(26)(A) is amended to read:

<< VT ST T. 16 § 11 >>

(26)(A) "Harassment" means an incident or incidents of verbal, written, visual, or physical conduct, **including any incident conducted by electronic means**, based on or motivated by a student's or a student's family member's actual or perceived race, creed, color, national origin, marital status, sex, sexual orientation, gender identity, or disability that has the purpose or effect of objectively and substantially undermining and detracting from or interfering with a student's educational performance or access to school resources or creating an objectively intimidating, hostile, or offensive environment.

Sec. 36. 16 V.S.A. § 11(a)(32) is amended to read:

<< VT ST T. 16 § 11 >>

(32) “Bullying” means any overt act or combination of acts, **including an act conducted by electronic means**, directed against a student by another student or group of students and which:

(A) is repeated over time;

(B) is intended to ridicule, humiliate, or intimidate the student; and

(C) **(i)** occurs during the school day on school property, on a school bus, or at a school-sponsored activity, or before or after the school day on a school bus or at a school-sponsored activity; **or**

(ii) does not occur during the school day on school property, on a school bus, or at a school-sponsored activity and can be shown to pose a clear and substantial interference with another student's right to access educational programs.

*

THE FOLLOWING BILL HAS NOT BEEN ENACTED AND IS CURRENTLY NOT THE LAW OF VERMONT. H.R. 412, 2011-12 LEG. SESS. (VT. 2011). AN ACT RELATING TO HARASSMENT AND BULLYING IN EDUCATIONAL SETTINGS

Bill Status: In House Committee on Education as of 03/08/2011

It is hereby enacted by the General Assembly of the State of Vermont:

* * * Harassment and Bullying; Electronic and Nonschool Activities * * *

Sec. 1. 16 V.S.A. § 11(a)(26)(A) is amended to read:

(26)(A) “Harassment” means an incident or incidents of verbal, written, visual, or physical conduct, **including any incident conducted by electronic means**, based on or motivated by a student's or a student's family member's actual or perceived race, creed, color, national origin, marital status, sex, sexual orientation, gender identity, or disability that has the purpose or effect of objectively and substantially undermining and detracting from or interfering with a student's educational performance or access to school resources or creating an objectively intimidating, hostile, or offensive environment.

Sec. 2. 16 V.S.A. § 11(a)(32) is amended to read:

(32) “Bullying” means any overt act or combination of acts, **including an act conducted by electronic means**, directed against a student by another student or group of students and which:

(A) is repeated over time;

(B) is intended to ridicule, humiliate, or intimidate the student; and

(C)(i) occurs during the school day on school property, on a school bus, or at a school-sponsored activity, or before or after the school day on a school bus or at a school-sponsored activity; **or**

(ii) does not occur during the school day on school property, on a school bus, or at a school-sponsored activity and can be shown to pose a clear and substantial interference with another student's right to access educational programs.

Sec. 3. 16 V.S.A. § 1162 is amended to read:

§ 1162. SUSPENSION OR EXPULSION OF PUPILS

(a) A superintendent or principal may, pursuant to policies adopted by the school board that are consistent with state board rules, suspend a pupil for up to 10 school days or, with the approval of the board of the school district, expel a pupil for up to the remainder of the school year or up to 90 school days, whichever is longer, for misconduct:

(1) on school property, on a school bus, or at a school-sponsored activity when the misconduct makes the continued presence of the pupil harmful to the welfare of the school ~~or for misconduct;~~

(2) not on school property, on a school bus, or at a school-sponsored activity where direct harm to the welfare of the school can be demonstrated; **or**

(3) not on school property, on a school bus, or at a school-sponsored activity where the misconduct can be shown to pose a clear and substantial interference with another student's equal access to educational programs.

(b) Nothing contained in this section shall prevent a superintendent or principal, subject to subsequent due process procedures, from removing immediately from a school a pupil who poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process of the school, or from expelling a pupil who brings a weapon to school pursuant to section 1166 of this title.

~~(b)~~**(c)** Principals, superintendents, and school boards are authorized and encouraged to provide alternative education services or programs to students during any period of suspension or expulsion authorized under this section.

* * * Harassment; Human Rights Commission * * *

Sec. 4. 9 V.S.A. § 4553(a) is amended to read:

(a) To carry out its duties, the commission may:

* * *

(6)(A) enforce conciliation agreements and prohibitions against discrimination by bringing an action in the name of the commission seeking any of the following:

(i) temporary or permanent injunctive relief in the public interest ~~and for an individual aggrieved by unlawful discrimination~~ **or on behalf of an aggrieved individual or class of individuals similarly situated;**

* * *

Sec. 5. 9 V.S.A. § 4553(d) is added to read:

(d) Annually, the commission and the commissioner of education shall jointly inform superintendents and principals of the obligation of educational institutions to comply fully with the procedures in 16 V.S.A. §§ 14 and 565 regarding harassment as defined in 16 V.S.A. § 11(a)(26). If an educational facility is in violation of the required procedures, then the commission may bring an action to enforce compliance by seeking a declaratory judgment and injunctive relief, including a civil penalty of not more than \$5,000.00 per violation.

Sec. 6. 16 V.S.A. § 14(b) is amended to read:

~~(b) In regard to claims brought pursuant to 9 V.S.A. chapter 139, if after notice,~~ **(1) After receiving notice as required under subsection (a) of this section, if** the educational institution finds that the alleged conduct occurred and that it constitutes harassment, **then** the educational institution shall take prompt and appropriate remedial action reasonably calculated to stop the harassment.

(2) No action shall be brought pursuant to 9 V.S.A. chapter 139 until the administrative remedies available to the claimant under the policy adopted by the educational institution pursuant to subsection 166(e) or 565(b) of this title or pursuant to the harassment policy of a postsecondary school have been exhausted. ~~Such a showing shall not be necessary where~~ **unless** the claimant demonstrates that:

~~(1)~~**(A)** the educational institution does not maintain such a policy;

~~(2)~~**(B)** a determination has not been rendered within the time limits established under subdivision 565(b)(1) of this title;

~~(3)~~**(C)** the health or safety of the complainant would be jeopardized otherwise;

~~(4)~~**(D)** exhaustion would be futile; or

~~(5)~~**(E)** requiring exhaustion would subject the student to substantial and imminent retaliation.

Sec. 7. 9 V.S.A. § 4506 is amended to read:

§ 4506. ENFORCEMENT; CIVIL ACTION

(a) A person aggrieved by a violation of this chapter may file a charge of discrimination with the human rights commission pursuant to chapter 141 of this title or may bring an

action for injunctive relief and compensatory and punitive damages and any other appropriate relief in the superior court of the county in which the violation is alleged to have occurred.

(b) To prevail in an action alleging unlawful harassment filed pursuant to this chapter, an aggrieved individual must prove that:

(1) he or she was subjected to unwelcome conduct based on his or her membership in a category protected by law; and

(2) the conduct was either so severe or so pervasive that, when viewed from a reasonable person's standard, it substantially and adversely affected the individual's equal access to any of the accommodations, advantages, facilities, and privileges of the place of public accommodation or the terms, conditions, or privileges of the sale or rental of real property.

~~(b)~~**(c)** The court may award costs and reasonable attorney's fees to an aggrieved person who prevails in an action brought under subsection (a) of this section.

~~(c)~~**(d)** The human rights commission may bring an action in the name of the commission to enforce the provisions of this chapter in accordance with its powers established in chapter 141 of this title.

~~(d)~~**(e)** The initiation or completion of an investigation by the human rights commission shall not be a condition precedent to the filing of any lawsuit for violation of this chapter.

Sec. 8. HUMAN RIGHTS COMMISSION POSITION

(a) Contingent upon the ability of the human rights commission to obtain grant funding, the following limited service position is created in the commission: one full-time, exempt training director to create and manage harassment and bullying prevention and response initiatives designed to educate trainers to work with school districts throughout the state.

(b) At least once annually, the training director shall consult with the commissioner of education regarding the training needs of and appropriate curricula to be delivered to educators in Vermont.

Sec. 9. EFFECTIVE DATE

This act shall take effect on passage.

VIRGINIA

VA. CODE ANN. § 22.1-208.01 (2011). CHARACTER EDUCATION REQUIRED

A. Each school board shall establish, within its existing programs, a character education program in its schools. The purpose of the character education program shall be to instill in students civic virtues and personal character traits so as to improve the learning environment, promote student achievement, reduce disciplinary problems, and develop civic-minded students of high character. The components of each program shall be developed in cooperation with the students, their parents, and the community at large. The basic character traits taught may include (i) trustworthiness, including honesty, integrity, reliability, and loyalty; (ii) respect, including the precepts of the Golden Rule, tolerance, and courtesy; (iii) responsibility, including hard work, economic self-reliance, accountability, diligence, perseverance, and self-control; (iv) fairness, including justice, consequences of bad behavior, principles of nondiscrimination, and freedom from prejudice; (v) caring, including kindness, empathy, compassion, consideration, generosity, and charity; and (vi) citizenship, including patriotism, the Pledge of Allegiance, respect for the American flag, concern for the common good, respect for authority and the law, and community-mindedness.

Classroom instruction may be used to supplement a character education program; however, each program shall be interwoven into the school procedures and environment and structured to instruct primarily through example, illustration, and participation, in such a way as to complement the Standards of Learning. The program shall also address the inappropriateness of bullying, as defined in the Student Conduct Policy Guidelines adopted by the Board of Education pursuant to § 22.1-279.6.

This provision is intended to educate students regarding those core civic values and virtues which are efficacious to civilized society and are common to the diverse social, cultural, and religious groups of the Commonwealth. Consistent with this purpose, Virginia's civic values, which are the principles articulated in the Bill of Rights (Article I) of the Constitution of Virginia and the ideals reflected in the seal of the Commonwealth, as described in § 1-500, may be taught as representative of such civic values. Nothing herein shall be construed as requiring or authorizing the indoctrination in any particular religious or political belief.

B. The Board of Education shall establish criteria for character education programs, consistent with the provisions of this section. To assist school divisions in implementing character education programs and practices that are designed to promote the development of personal qualities as set forth in this section and the Standards of Quality and that will improve family and community involvement in the public schools, the Board of Education shall also establish, within the Department of Education, the Commonwealth Character Initiative. The Board shall provide resources and technical assistance to school divisions regarding successful character education programs and shall (i) identify and analyze effective character education programs and practices and (ii) collect and disseminate among school divisions information regarding such programs and practices and potential funding and support sources. The Board may also provide resources

supporting professional development for administrators and teachers in the delivery of any character education programs.

C. The Board of Education shall award, with such funds as are appropriated for this purpose, grants to school boards for the implementation of innovative character education programs.

VA. CODE ANN. § 22.1-279.6 (2011). BOARD OF EDUCATION GUIDELINES AND MODEL POLICIES FOR CODES OF STUDENT CONDUCT; SCHOOL BOARD REGULATIONS

A. The Board of Education shall establish guidelines and develop model policies for codes of student conduct to aid local school boards in the implementation of such policies. The guidelines and model policies shall include, but not be limited to, (i) criteria for the removal of a student from a class, the use of suspension, expulsion, and exclusion as disciplinary measures, the grounds for suspension and expulsion and exclusion, and the procedures to be followed in such cases, including proceedings for such suspension, expulsion, and exclusion decisions and all applicable appeals processes; (ii) standards, consistent with state, federal and case laws, for school board policies on alcohol and drugs, gang-related activity, hazing, vandalism, trespassing, threats, search and seizure, disciplining of students with disabilities, intentional injury of others, self-defense, bullying, the use of electronic means for purposes of bullying, harassment, and intimidation, and dissemination of such policies to students, their parents, and school personnel; and (iii) standards for in-service training of school personnel in and examples of the appropriate management of student conduct and student offenses in violation of school board policies.

In accordance with the most recent enunciation of constitutional principles by the Supreme Court of the United States of America, the Board's standards for school board policies on alcohol and drugs and search and seizure shall include guidance for procedures relating to voluntary and mandatory drug testing in schools, including, but not limited to, which groups may be tested, use of test results, confidentiality of test information, privacy considerations, consent to the testing, need to know, and release of the test results to the appropriate school authority.

In the case of suspension and expulsion, the procedures set forth in this article shall be the minimum procedures that the school board may prescribe.

B. School boards shall adopt and revise, as required by § 22.1-253.13:7 and in accordance with the requirements of this section, regulations on codes of student conduct that are consistent with, but may be more stringent than, the guidelines of the Board. School boards shall include, in the regulations on codes of student conduct, procedures for suspension, expulsion, and exclusion decisions and shall biennially review the model student conduct code to incorporate discipline options and alternatives to preserve a safe, nondisruptive environment for effective teaching and learning.

Each school board shall include, in its code of student conduct, prohibitions against bullying, hazing, and profane or obscene language or conduct. School boards shall also cite, in their codes of student conduct, the provisions of § 18.2-56, which defines and prohibits hazing and imposes a Class 1 misdemeanor penalty for violations, i.e., confinement in jail for not more than 12 months and a fine of not more than \$2,500, either or both.

A school board may regulate the use or possession of beepers or other portable communications devices and laser pointers by students on school property or attending school functions or activities and establish disciplinary procedures pursuant to this article to which students violating such regulations will be subject.

Nothing herein shall be construed to require any school board to adopt policies requiring or encouraging any drug testing in schools. However, a school board may, in its discretion, require or encourage drug testing in accordance with the Board of Education's guidelines and model student conduct policies required by subsection A and the Board's guidelines for student searches required by § 22.1-279.7.

C. The Board of Education shall establish standards to ensure compliance with the federal Improving America's Schools Act of 1994 (Part F-Gun-Free Schools Act of 1994), as amended, in accordance with § 22.1-277.07.

This subsection shall not be construed to diminish the authority of the Board of Education or to diminish the Governor's authority to coordinate and provide policy direction on official communications between the Commonwealth and the United States government.

WASHINGTON

WASH. REV. CODE § 28a.300.285 (2011). HARASSMENT, INTIMIDATION, AND BULLYING PREVENTION POLICIES AND PROCEDURES--MODEL POLICY AND PROCEDURE--TRAINING MATERIALS--POSTING ON WEB SITE--RULES--ADVISORY COMMITTEE

(1) By August 1, 2011, each school district shall adopt or amend if necessary a policy and procedure that at a minimum incorporates the revised model policy and procedure provided under subsection (4) of this section that prohibits the harassment, intimidation, or bullying of any student. It is the responsibility of each school district to share this policy with parents or guardians, students, volunteers, and school employees in accordance with rules adopted by the superintendent of public instruction. Each school district shall designate one person in the district as the primary contact regarding the antiharassment, intimidation, or bullying policy. The primary contact shall receive copies of all formal and informal complaints, have responsibility for assuring the implementation of the policy and procedure, and serve as the primary contact on the policy and procedures between the school district, the office of the education ombudsman, and the office of the superintendent of public instruction.

(2) “Harassment, intimidation, or bullying” means any intentional electronic, written, verbal, or physical act, including but not limited to one shown to be motivated by any characteristic in RCW 9A.36.080(3), or other distinguishing characteristics, when the intentional electronic, written, verbal, or physical act:

- (a) Physically harms a student or damages the student's property; or
- (b) Has the effect of substantially interfering with a student's education; or
- (c) Is so severe, persistent, or pervasive that it creates an intimidating or threatening educational environment; or
- (d) Has the effect of substantially disrupting the orderly operation of the school.

Nothing in this section requires the affected student to actually possess a characteristic that is a basis for the harassment, intimidation, or bullying.

(3) The policy and procedure should be adopted or amended through a process that includes representation of parents or guardians, school employees, volunteers, students, administrators, and community representatives. It is recommended that each such policy emphasize positive character traits and values, including the importance of civil and respectful speech and conduct, and the responsibility of students to comply with the district's policy prohibiting harassment, intimidation, or bullying.

(4)(a) By August 1, 2010, the superintendent of public instruction, in consultation with representatives of parents, school personnel, the office of the education ombudsman, the Washington state school directors' association, and other interested parties, shall provide to the education committees of the legislature a revised and updated model harassment, intimidation, and bullying prevention policy and procedure. The superintendent of public instruction shall publish on its web site, with a link to the safety center web page, the revised and updated model harassment, intimidation, and bullying prevention policy and procedure, along with training and instructional materials on the components that shall be included in any district policy and procedure. The superintendent shall adopt rules regarding school districts' communication of the policy and procedure to parents, students, employees, and volunteers.

(b) The office of the superintendent of public instruction has the authority to update with new technologies access to this information in the safety center, to the extent resources are made available.

(c) Each school district shall by August 15, 2011, provide to the superintendent of public instruction a brief summary of its policies, procedures, programs, partnerships, vendors, and instructional and training materials to be posted on the school safety center web site, and shall also provide the superintendent with a link to the school district's web site for further information. The district's primary contact for bullying and harassment issues

shall annually by August 15th verify posted information and links and notify the school safety center of any updates or changes.

(5) The Washington state school directors' association, with the assistance of the office of the superintendent of public instruction, shall convene an advisory committee to develop a model policy prohibiting acts of harassment, intimidation, or bullying that are conducted via electronic means by a student while on school grounds and during the school day. The policy shall include a requirement that materials meant to educate parents and students about the seriousness of cyberbullying be disseminated to parents or made available on the school district's web site. The school directors' association and the advisory committee shall develop sample materials for school districts to disseminate, which shall also include information on responsible and safe internet use as well as what options are available if a student is being bullied via electronic means, including but not limited to, reporting threats to local police and when to involve school officials, the internet service provider, or phone service provider. The school directors' association shall submit the model policy and sample materials, along with a recommendation for local adoption, to the governor and the legislature and shall post the model policy and sample materials on its web site by January 1, 2008. Each school district board of directors shall establish its own policy by August 1, 2008.

(6) As used in this section, "electronic" or "electronic means" means any communication where there is the transmission of information by wire, radio, optical cable, electromagnetic, or other similar means.

WASH. REV. CODE § 28a.600.480 (2011). REPORTING OF HARASSMENT, INTIMIDATION, OR BULLYING -- RETALIATION PROHIBITED -- IMMUNITY

(1) No school employee, student, or volunteer may engage in reprisal, retaliation, or false accusation against a victim, witness, or one with reliable information about an act of harassment, intimidation, or bullying.

(2) A school employee, student, or volunteer who has witnessed, or has reliable information that a student has been subjected to, harassment, intimidation, or bullying, whether verbal or physical, is encouraged to report such incident to an appropriate school official.

(3) A school employee, student, or volunteer who promptly reports an incident of harassment, intimidation, or bullying to an appropriate school official, and who makes this report in compliance with the procedures in the district's policy prohibiting bullying, harassment, or intimidation, is immune from a cause of action for damages arising from any failure to remedy the reported incident.

WEST VIRGINIA

W. VA. CODE § 18-2c-1 (2011). LEGISLATIVE FINDINGS

The Legislature finds that a safe and civil environment in school is necessary for students to learn and achieve high academic standards. The Legislature finds that harassment, intimidation or bullying, like other disruptive or violent behavior, is conduct that disrupts both a student's ability to learn and a school's ability to educate its students in a safe, nonthreatening environment.

The legislature further finds that students learn by example. The legislature charges school administrators, faculty, staff and volunteers with demonstrating appropriate behavior, treating others with civility and respect, and refusing to tolerate harassment, intimidation or bullying.

W. VA. CODE § 18-2c-2 (2011). DEFINITIONS

As used in this article, "harassment, intimidation or bullying" means any intentional gesture, or any intentional written, verbal or physical act or threat that:

(a) A reasonable person under the circumstances should know will have the effect of:

- (1) Harming a student;
- (2) Damaging a student's property;
- (3) Placing a student in reasonable fear of harm to his or her person; or
- (4) Placing a student in reasonable fear of damage to his or her property; or

(b) Is sufficiently severe, persistent or pervasive that it creates an intimidating, threatening or abusive educational environment for a student.

W. VA. CODE § 18-2c-3 (2011). POLICY PROHIBITING HARASSMENT, INTIMIDATION OR BULLYING

(a) Each county board of education shall establish a policy prohibiting harassment, intimidation or bullying. Each county board has control over the content of its policy as long as the policy contains, at a minimum, the requirements of subdivision (b) of this section. The policy shall be adopted through a process that includes representation of parents or guardians, school employees, school volunteers, students and community members.

(b) Each county board policy shall, at a minimum, include the following components:

- (1) A statement prohibiting harassment, intimidation or bullying of any student on school property or at school sponsored events;

- (2) A definition of harassment, intimidation or bullying no less inclusive than that in section two of this article;
 - (3) A procedure for reporting prohibited incidents;
 - (4) A requirement that school personnel report prohibited incidents of which they are aware;
 - (5) A requirement that parents or guardians of any student involved in an incident prohibited pursuant to this article be notified;
 - (6) A procedure for documenting any prohibited incident that is reported;
 - (7) A procedure for responding to and investigating any reported incident;
 - (8) A strategy for protecting a victim from additional harassment, intimidation or bullying, and from retaliation following a report;
 - (9) A disciplinary procedure for any student guilty of harassment, intimidation or bullying; and
 - (10) A requirement that any information relating to a reported incident is confidential, and exempt from disclosure under the provisions of chapter twenty-nine-b of this code.
- (c) Each county board shall adopt the policy and submit a copy to the state superintendent of schools by the first day of December, two thousand one.
- (d) To assist county boards in developing their policies, the West Virginia department of education shall develop a model policy applicable to grades kindergarten through twelfth. The model policy shall be issued by the first day of September, two thousand one.
- (e) Notice of the county board's policy shall appear in any student handbook, and in any county board publication that sets forth the comprehensive rules, procedures and standards of conduct for the school.

W. VA. CODE § 18-2c-4 (2011). IMMUNITY

A school employee, student or volunteer is individually immune from a cause of action for damages arising from reporting said incident, if that person:

- (1) In good faith promptly reports an incident of harassment, intimidation or bullying;
- (2) Makes the report to the appropriate school official as designated by policy; and
- (3) Makes the report in compliance with the procedures as specified in policy.

W. VA. CODE § 18-2c-5 (2011). POLICY TRAINING AND EDUCATION

(a) Schools and county boards are encouraged, but not required, to form bullying prevention task forces, programs and other initiatives involving school staff, students, teachers, administrators, volunteers, parents, law enforcement and community members.

(b) To the extent state or federal funds are appropriated for these purposes, each school district shall:

(1) Provide training on the harassment, intimidation or bullying policy to school employees and volunteers who have direct contact with students; and

(2) Develop a process for educating students on the harassment, intimidation or bullying policy.

(c) Information regarding the county board policy against harassment, intimidation or bullying shall be incorporated into each school's current employee training program.

W. VA. CODE § 18-2c-6 (2011). LIABILITY

Except as provided in section four of this article, nothing in this article prohibits a victim from seeking redress under any other provision of civil or criminal law.

WISCONSIN

WYOMING

WYO. STAT. ANN. § 21-4-312 (2011). DEFINITIONS

(a) As used in this act:

(i) "Harassment, intimidation or bullying" means any intentional gesture, any intentional electronic communication or any intentional written, verbal or physical act initiated, occurring or received at school that a reasonable person under the circumstances should know will have the effect of:

(A) Harming a student physically or emotionally, damaging a student's property or placing a student in reasonable fear of personal harm or property damage;

(B) Insulting or demeaning a student or group of students causing substantial disruption in, or substantial interference with, the orderly operation of the school; or

(C) Creating an intimidating, threatening or abusive educational environment for a student or group of students through sufficiently severe, persistent or pervasive behavior.

(ii) “School” includes a classroom or other location on school premises, a school bus or other school-related vehicle, a school bus stop, an activity or event sponsored by a school, whether or not it is held on school premises, and any other program or function where the school is responsible for the child;

(iii) “This act” means W.S. 21-4-311 through 21-4-315.

WYO. STAT. ANN. § 21-4-313 (2011). PROHIBITION AGAINST HARASSMENT, INTIMIDATION OR BULLYING; REPORTING TO SCHOOL OFFICIALS

(a) No person shall engage in:

(i) Harassment, intimidation or bullying; or

(ii) Reprisal or retaliation against a victim, witness or person who reports information about an act of harassment, intimidation or bullying.

WYO. STAT. ANN. § 21-4-314 (2011). SCHOOL DISTRICT IMPLEMENTATION; STATE POLICIES, TRAINING AND TECHNICAL ASSISTANCE

(a) Not later than December 31, 2009, each school district shall adopt a policy prohibiting harassment, intimidation or bullying at school. The school district shall involve parents and guardians, school employees, volunteers, students, administrators and community representatives in the process of creating the policy. Policies created under this section shall be continuously reviewed and may be revised as necessary.

(b) The policy prohibiting harassment, intimidation or bullying shall include, without limitation:

(i) A statement prohibiting harassment, intimidation or bullying of a student;

(ii) A definition of “harassment, intimidation or bullying” which includes at minimum the definition as provided in W.S. 21-4-312(a)(i);

(iii) Consequences and appropriate remedial actions for persons committing acts of harassment, intimidation or bullying or engaging in reprisal or retaliation;

(iv) Procedures for reporting and documenting acts of harassment, intimidation or bullying, including a provision for reporting anonymously. However, formal disciplinary action shall not be taken solely on the basis of an anonymous report. The procedures shall identify the appropriate school personnel responsible for receiving a report and investigating a complaint;

(v) Procedures for prompt investigation of reports or complaints of serious violations;

(vi) A statement that prohibits reprisal or retaliation against a person who reports or makes a complaint of harassment, intimidation or bullying;

- (vii) A strategy for protecting a victim from additional harassment, intimidation or bullying, and from retaliation following a report;
 - (viii) Consequences and appropriate remedial action for a person who is found to have made a false accusation, report or complaint;
 - (ix) A process for discussing the district's harassment, intimidation or bullying policy with students; and
 - (x) A statement of how the policy is to be publicized, including notice that the policy applies to participation in functions sponsored by the school.
- (c) To assist local school districts in developing a policy under subsection (b) of this section, the department of education shall not later than September 1, 2009, develop model policies applicable to grades kindergarten through twelve (12) and teacher preparation program standards on the identification and prevention of bullying. In addition, the department shall provide necessary training programs and technical assistance to districts in carrying out this act.
- (d) Each local school board shall include the policy adopted by a school district pursuant to this section in a publication of the comprehensive rules, procedures and standards of conduct for schools of a school district and in each school's student's handbook.
- (e) Information regarding the school district's policy against harassment, intimidation or bullying shall be incorporated into each district's professional development programs and shall be provided to volunteers and other noncertified employees of the district who have significant contact with students.
- (f) School districts may establish bullying prevention programs or other initiatives and may involve school staff, students, administrators, volunteers, parents, law enforcement and community members.

WYO. STAT. ANN. § 21-4-315 (2011). APPLICABILITY; NO CIVIL LIABILITY CREATED; IMMUNITY

This article shall not be interpreted to prevent a victim from seeking redress pursuant to any other applicable civil or criminal law. This article does not create or alter any civil cause of action for monetary damages against any person or school district nor shall it constitute grounds for any claim or motion raised by either the state or defendant in any proceedings, except that the defense of immunity shall be retained and may be asserted in any action arising under this act.

FEDERAL

42 U.S.C.S. § 14043c-3 (2011). GRANTS TO COMBAT DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING IN MIDDLE AND HIGH SCHOOLS

(a) Short title

This section may be cited as the “Supporting Teens through Education and Protection Act of 2005” or the “STEP Act”.

(b) Grants authorized

The Attorney General, through the Director of the Office on Violence Against Women, is authorized to award grants to middle schools and high schools that work with domestic violence and sexual assault experts to enable the schools--

(1) to provide training to school administrators, faculty, counselors, coaches, healthcare providers, security personnel, and other staff on the needs and concerns of students who experience domestic violence, dating violence, sexual assault, or stalking, and the impact of such violence on students;

(2) to develop and implement policies in middle and high schools regarding appropriate, safe responses to, and identification and referral procedures for, students who are experiencing or perpetrating domestic violence, dating violence, sexual assault, or stalking, including procedures for handling the requirements of court protective orders issued to or against students or school personnel, in a manner that ensures the safety of the victim and holds the perpetrator accountable;

(3) to provide support services for students and school personnel, such as a resource person who is either on-site or on-call, and who is an expert described in subsections (i)(2) and (i)(3) of this section, for the purpose of developing and strengthening effective prevention and intervention strategies for students and school personnel experiencing domestic violence, dating violence, sexual assault or stalking;

(4) to provide developmentally appropriate educational programming to students regarding domestic violence, dating violence, sexual assault, and stalking, and the impact of experiencing domestic violence, dating violence, sexual assault, and stalking on children and youth by adapting existing curricula activities to the relevant student population;

(5) to work with existing mentoring programs and develop strong mentoring programs for students, including student athletes, to help them understand and recognize violence and violent behavior, how to prevent it and how to appropriately address their feelings; and

(6) to conduct evaluations to assess the impact of programs and policies assisted under this section in order to enhance the development of the programs.

(c) Award basis

The Director shall award grants and contracts under this section on a competitive basis.

(d) Policy dissemination

The Director shall disseminate to middle and high schools any existing Department of Justice, Department of Health and Human Services, and Department of Education policy guidance and curricula regarding the prevention of domestic violence, dating violence, sexual assault, and stalking, and the impact of the violence on children and youth.

(e) Nondisclosure of confidential or private information

In order to ensure the safety of adult, youth, and minor victims of domestic violence, dating violence, sexual assault, or stalking and their families, grantees and subgrantees shall protect the confidentiality and privacy of persons receiving services. Grantees and subgrantees pursuant to this section shall not disclose any personally identifying information or individual information collected in connection with services requested, utilized, or denied through grantees' and subgrantees' programs. Grantees and subgrantees shall not reveal individual client information without the informed, written, reasonably time-limited consent of the person (or in the case of unemancipated minor, the minor and the parent or guardian, except that consent for release may not be given by the abuser of the minor or of the other parent of the minor) about whom information is sought, whether for this program or any other Tribal, Federal, State or Territorial grant program. If release of such information is compelled by statutory or court mandate, grantees and subgrantees shall make reasonable attempts to provide notice to victims affected by the disclosure of information. If such personally identifying information is or will be revealed, grantees and subgrantees shall take steps necessary to protect the privacy and safety of the persons affected by the release of the information. Grantees may share non-personally identifying data in the aggregate regarding services to their clients and non-personally identifying demographic information in order to comply with Tribal, Federal, State or Territorial reporting, evaluation, or data collection requirements. Grantees and subgrantees may share court-generated information contained in secure, governmental registries for protection order enforcement purposes.

(f) Grant term and allocation

(1) Term

The Director shall make the grants under this section for a period of 3 fiscal years.

(2) Allocation

Not more than 15 percent of the funds available to a grantee in a given year shall be used for the purposes described in subsection (b)(4), (b)(5), and (b)(6) of this section.

(g) Distribution

(1) In general

Not less than 5 percent of funds appropriated under subsection (l) of this section in any year shall be available for grants to tribal schools, schools on tribal lands or schools whose student population is more than 25 percent Native American.

(2) Administration

The Director shall not use more than 5 percent of funds appropriated under subsection (l) of this section in any year for administration, monitoring and evaluation of grants made available under this section.

(3) Training, technical assistance, and data collection

Not less than 5 percent of funds appropriated under subsection (l) of this section in any year shall be available to provide training, technical assistance, and data collection for programs funded under this section.

(h) Application

To be eligible to be awarded a grant or contract under this section for any fiscal year, a middle or secondary school, in consultation with an expert as described in subsections (i)(2) and (i)(3) of this section, shall submit an application to the Director at such time and in such manner as the Director shall prescribe.

(i) Eligible entities

To be eligible to receive a grant under this section, an entity shall be a partnership that--

(1) shall include a public, charter, tribal, or nationally accredited private middle or high school, a school administered by the Department of Defense under 10 U.S.C. 2164 or 20 U.S.C. 921, a group of schools, or a school district;

(2) shall include a domestic violence victim service provider that has a history of working on domestic violence and the impact that domestic violence and dating violence have on children and youth;

(3) shall include a sexual assault victim service provider, such as a rape crisis center, program serving tribal victims of sexual assault, or coalition or other nonprofit nongovernmental organization carrying out a community-based sexual assault program, that has a history of effective work concerning sexual assault and the impact that sexual assault has on children and youth; and

(4) may include a law enforcement agency, the State, Tribal, Territorial or local court, nonprofit nongovernmental organizations and service providers addressing sexual harassment, bullying or gang-related violence in schools, and any other such agencies or nonprofit nongovernmental organizations with the capacity to provide effective assistance to the adult, youth, and minor victims served by the partnership.

(j) Priority

In awarding grants under this section, the Director shall give priority to entities that have submitted applications in partnership with relevant courts or law enforcement agencies.

(k) Reporting and dissemination of information

(1) Reporting

Each of the entities that are members of the applicant partnership described in subsection (i) of this section, that receive a grant under this section shall jointly prepare and submit to the Director every 18 months a report detailing the activities that the entities have undertaken under the grant and such additional information as the Director shall require.

(2) Dissemination of information

Within 9 months of the completion of the first full grant cycle, the Director shall publicly disseminate, including through electronic means, model policies and procedures developed and implemented in middle and high schools by the grantees, including information on the impact the policies have had on their respective schools and communities.

(1) Authorization of appropriations

(1) In general

There is authorized to be appropriated to carry out this section, \$5,000,000 for each of fiscal years 2007 through 2011.

(2) Availability

Funds appropriated under paragraph (1) shall remain available until expended.

AMERICAN SAMOA

GUAM

GUAM CODE ANN. tit. 17, § 3112.1 (2010). SAME: POLICY AGAINST BULLYING

(a) As used in this Section:

(1) “at school” means in a classroom, elsewhere on or immediately adjacent to school premises, on a school bus or other school-related vehicle, at an official school bus stop, or at a school-sponsored activity or event whether or not it is held on school premises.

(2) “harassment, intimidation, or bullying” means any gesture or written, verbal, or physical act that a reasonable person under the circumstances should know will have the effect of harming a pupil or damaging his or her property or placing a pupil in reasonable fear of harm to his or her person or damage to his or her property, or that has the effect of insulting or demeaning any pupil or group of pupils in such a way as to disrupt or

interfere with the school's educational mission or the education of any pupil. Harassment, intimidation, or bullying includes, but is not limited to, such a gesture or written, verbal, or physical act that is reasonably perceived as being motivated by a pupil's religion, race, color, national origin, age, sex, sexual orientation, disability, height, weight, or socioeconomic status, or by any other distinguishing characteristic.

(b) The Guam Education Policy Board (the "Board") shall adopt a policy prohibiting harassment, intimidation, or bullying at school. The content of the policy shall be determined by the Board but shall contain at least the components in Subsection (3). The policy shall be adopted through a process that includes representation of parents or guardians, pupils, teachers, staff, administrators, volunteers, and community representatives.

(c) The policy shall include at least each of the following components:

- (1) A statement prohibiting harassment, intimidation, or bullying of a pupil.
- (2) A definition of harassment, intimidation, or bullying that includes at least the acts described in the definition in this Section.
- (3) A description of the type of behavior expected from each pupil.
- (4) Consequences and appropriate remedial action for a person who commits an act of harassment, intimidation, or bullying.
- (5) A procedure for reporting an act of harassment, intimidation, or bullying, including a provision that permits a person to report an act of harassment, intimidation, or bullying anonymously. However, this Subsection shall not be construed to permit formal disciplinary action solely on the basis of an anonymous report.
- (6) A procedure for prompt investigation of reports of violations and complaints, identifying either the principal or the principal's designee as the person responsible for the investigation.
- (7) The range of ways in which a school will respond once an incident of harassment, intimidation, or bullying is identified.
- (8) A statement that prohibits reprisal or retaliation against any person who reports an act of harassment, intimidation, or bullying, and the consequences and appropriate remedial action for a person who engages in that type of reprisal or retaliation.
- (9) Consequences and appropriate remedial action for a person found to have falsely accused another as a means of retaliation or as a means of harassment, intimidation, or bullying.
- (10) A statement of how the policy is to be publicized including notice that the policy applies to participation in school-sponsored activities.
- (11) A school employee, pupil, or volunteer shall not engage in reprisal, retaliation, or false accusation against a victim, witness, or one with reliable information about an act of harassment, intimidation, or bullying.
- (12) A school employee or volunteer who has witnessed, or has reliable information that a pupil has been subjected to harassment, intimidation, or bullying, whether verbal or physical, shall report the incident to the appropriate school official designated by the Board policy.

(13) A school employee who promptly reports an incident of harassment, intimidation, or bullying to the appropriate school official designated by the Board policy, and who makes this report in compliance with the procedures in the policy prohibiting harassment, intimidation, or bullying is not liable for damages arising from any failure to remedy the reported incident.

(d) The Board shall adopt the policy under this Section and transmit a copy of its policy to the Superintendent of Education by February 28, 2004.

(e) The Board shall ensure that notice of the policy under this Section is included in any publication that sets forth the comprehensive rules, procedures, and standards of conduct for all schools, and in its pupil handbooks.

(f) Public schools are required to form bullying prevention task forces; implement prevention, intervention, and remediation programs; and explore other initiatives that involve the school community, law enforcement, assistance organizations, and community members. School community is defined as parents or guardians, pupils, teachers, staff, and administrators.

(g) Each school shall do all of the following:

(1) Provide training on the school's harassment, intimidation, or bullying policies to the school community and volunteers who have significant contact with pupils.

(2) Develop a process for discussing the harassment, intimidation, or bullying policy with pupils as part of the curriculum.

(h) A school shall incorporate information regarding its policy against harassment, intimidation, or bullying into its employee training program.

(i) This Section does not prevent a victim from seeking redress under any other available law, either civil or criminal. This Section does not create or alter any tort liability.

(j) The Board shall establish rules for appropriate disciplinary action for the Department of Education personnel who do not comply with the policy prohibiting harassment, intimidation, or bullying.

PUERTO RICO

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