

Proposed Bullying Legislation

As of March 17, 2006

Senate Bill 1156 (Thomas) House Bill 5616 (Anderson)	Senate Bill 1012 (Patterson) House Bill 4026 (Stewart)	Senate Bills 44 and 369 (Thomas) House Bill 4581 (Vagnozzi)
<ul style="list-style-type: none"> • Not later than December 31, 2006, public schools would be required to adopt a policy prohibiting harassment and bullying at school. Policies must be submitted to the Department not later than 30 days after adopting the policy. • The Department would be required to develop a K-12 model policy by June 1, 2006. • The school policy would be determined locally through a process that should include parents/guardians, school employees, volunteers, students, school administrators, and community representatives. The policy shall include at least the following: <ul style="list-style-type: none"> • A statement prohibiting harassment or bullying of a student. • A definition of harassment or bullying that includes at least the acts described in the bill. • A description of the type of behavior expected from each student. • Age-appropriate consequences and remedial action for a person who violates the policy. • 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. • A procedure for prompt investigation of reports of violations and complaints. The investigation must be completed within 3 school days after a report or complaint is made. • The range of ways in which a school 	<ul style="list-style-type: none"> • Not later than May 1, 2006, public schools would be required to adopt and implement a bullying policy. • The policy would include a definition of bullying and establish procedure for the investigation of a report that bullying occurred made by a student or employee. The concerns and opinions of parents of students in the district must be considered when developing the policy. <p>Status Senate Bill 1012 – Senate Ed House Bill 4026 – House Ed</p>	<ul style="list-style-type: none"> • Public schools would be required to adopt a policy prohibiting harassment, intimidation, and bullying at school. Policies must be submitted to the State Superintendent by September 1, 2006. • The Department of Education would be required to develop a model policy by December 1, 2005. • The policy shall include the following: <ul style="list-style-type: none"> • A statement prohibiting harassment, intimidation and bullying. • A definition of harassment, intimidation, and bullying. • A procedure for the district to respond to complaints and remedial action for the person who commits a violation of the policy. • A procedure for reporting and investigating complaints. • A prohibition of reprisal or retaliation against any person who reports an act of harassment. • A statement of how the policy is publicized. • A notice of the policy must be included in the student handbook. • Public Schools would be encouraged to form a bullying prevention task force, program, or other initiative involving school staff, students, administrators, volunteers, parents, law enforcement, and community members. • Public schools would be required to provide training on the policies to school employees and volunteers who have contact with

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<p>would respond once an incident of harassment or bullying is identified.</p> <ul style="list-style-type: none"> • 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. • Consequences and appropriate remedial action for a person found to have falsely accused another of harassment or bullying. • A statement of how the policy is to be publicized, both initially and on an ongoing basis. • Provisions encouraging individuals to report incidents of harassment or bullying to the appropriate school official. • 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 has occurred shall report the incident to the principal or his or her designee. <ul style="list-style-type: none"> • The Department would be required to develop appropriate procedures for investigating, reporting, and responding to violations. • Each school board must ensure that a notice of the policy is included in any publication that sets forth the comprehensive rules, procedures, and standards of conduct for its schools, and in its student handbooks. • A school employee who promptly reports an incident of harassment or bullying to the appropriate school official designated by the district's policy and who makes this report in compliance with the procedures in the policy prohibiting harassment or 		<p>students.</p> <ul style="list-style-type: none"> • Public schools would be required to develop a process for discussing harassment, intimidation, or bullying policy with students. • "At school" is defined to mean on the property, on the school bus, and at school functions. • Senate Bill 44 defines "harassment, intimidation, or bullying" to mean "any gesture or written, verbal, or physical act that a reasonable person under the circumstances should know will have the effect of harming a student or damaging his or her property or placing a student 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 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, or bullying includes, but is not limited to, a gesture or written, verbal, or physical act described in this subdivision that is reasonably perceived as being motivated by a student's religion, race, color, national origin, age, sex, sexual orientation, disability, height, weight, or socioeconomic status, or by any other distinguishing characteristic." Senate Bill 369 and House Bill 4581 include "gender identity or expression" in the definition. <p>Status Senate Bills 44 and 369 – Senate Ed House Bill 4581 – House Ed</p>

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<p>bullying would not be liable for damages arising from any failure to remedy the reported incident.</p> <ul style="list-style-type: none"> • Public schools would be encouraged to form bullying prevention task forces, programs, and other initiatives involving school staff, students, administrators, volunteers, parents, law enforcement, and community members, to assist in the implementation of the policy. • Public schools would be required to provide annual training on the district's harassment or bullying policy to school employees and volunteers who have significant contact with students. Information regarding the policy would be incorporated into employee training program. In addition, a process for discussing harassment or bullying and the policy with students would be required. • The bill does not prevent a victim from seeking redress under any other available law, either civil or criminal. In addition, it does not create or alter any tort liability. • The Department would be required to establish a form and procedure for districts to annually report incidents of harassment or bullying. The information must be available to the public. • If an investigation results in a report to a law enforcement agency, the law enforcement agency would be required to initiate its investigation within 3 days after the report is made. • Upon request by a law enforcement agency investigating a report or complaint, a district must provide to the law enforcement agency directory information concerning its students. 		

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<ul style="list-style-type: none"> • “At school,” “bullying” and “harassment” are defined in the bill. <ul style="list-style-type: none"> • “At School” would be defined to mean “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.” • “Bullying” would be defined to mean “conduct that meets all of the following: <ul style="list-style-type: none"> • Is directed at one or more pupils. • Substantially interferes with educational opportunities, benefits, or programs of 1 or more pupils. • 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. • 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.” • “Harassment” would be defined the same as “bullying” with the exception of the following: <ul style="list-style-type: none"> • “Adversely affects the ability of a pupil to participate in or benefit from the school district’s or public school’s educational programs or 		

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<p>activities because the conduct as reasonably perceived by the pupil is so severe, pervasive, and objectively offensive as to have this effect."</p> <ul style="list-style-type: none"> The bill would be known as "Matt's Safe School Law." <p>Status House Bill 5616 – House Ed</p>		