

Sixty-second
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2167

Introduced by

Senators Marcellais, Mathern, Lyson

Representative Gruchalla

1 A BILL for an Act to create and enact seven new sections to chapter 15.1-19 of the North
2 Dakota Century Code, relating to bullying.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1.** A new section to chapter 15.1-19 of the North Dakota Century Code is created
5 and enacted as follows:

6 **Bullying - Definition.**

7 As used in this Act, bullying means:

8 1. a. Conduct that occurs in a public school, on school district premises, in a district
9 owned or leased schoolbus or school vehicle, at a schoolbus stop, or at any
10 public school or school district sanctioned or sponsored activity or event; and
11 which:

12 (1) Is so severe, pervasive, or objectively offensive that it substantially
13 interferes with the student's educational opportunities;

14 (2) Places the student in actual and reasonable fear of harm;

15 (3) Places the student in actual and reasonable fear of damage to property of
16 the student; or

17 (4) Substantially disrupts the orderly operation of the public school; or

18 b. Conduct that is received by a student while the student is in a public school, on
19 school district premises, in a district owned or leased schoolbus or school
20 vehicle, at a schoolbus stop, or at any public school or school district sanctioned
21 or sponsored activity or event; and which:

22 (1) Is so severe, pervasive, or objectively offensive that it substantially
23 interferes with the student's educational opportunities;

24 (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.

SECTION 2. A new section to chapter 15.1-19 of the North Dakota Century Code is created and enacted as follows:

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, at a schoolbus stop, 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;

c. Establish procedures for school district personnel to follow in investigating reports of alleged bullying, reprisal, or retaliation;

d. 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;

e. 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;

f. Establish strategies to protect a victim of bullying, reprisal, or retaliation;

- 1 g. Establish disciplinary measures to be imposed upon an individual who makes a
- 2 false accusation, report, or complaint pertaining to bullying, reprisal, or retaliation;
- 3 and
- 4 h. Establish procedures for notifying the parents of each student involved in an
- 5 incident determined by school district personnel to constitute bullying, reprisal, or
- 6 retaliation.
- 7 3. In developing the policy required by this section, the school district shall involve
- 8 parents, school district employees, volunteers, students, school district administrators,
- 9 law enforcement personnel, domestic violence sexual assault organizations as defined
- 10 by subsection 3 of section 14-07.1-01, and community representatives.
- 11 4. Upon completion of the policy required by this section, the school district shall:
- 12 a. Ensure that the policy is explained to and discussed with its students;
- 13 b. File a copy of the policy with the superintendent of public instruction;
- 14 c. Make the policy available in student handbooks, personnel handbooks, and on
- 15 the school district website;
- 16 d. Provide a copy of the policy to the parent of each student enrolled in the district;
- 17 e. Provide a copy of the policy to any person upon request; and
- 18 f. Provide to the parents of each student enrolled in the school district information
- 19 regarding:
- 20 (1) The dynamics of bullying;
- 21 (2) Cyber-bullying and online safety; and
- 22 (3) Ways in which parents can support the school district's policy prohibiting
- 23 bullying.

24 **SECTION 3.** A new section to chapter 15.1-19 of the North Dakota Century Code is created
25 and enacted as follows:

26 **Superintendent of public instruction - Bullying prohibition - Development of model**
27 **policy.**

28 Before January 1, 2012, the superintendent of public instruction shall consult with the North
29 Dakota school boards association and the education standards and practices board and:

- 30 1. Develop a model policy to prohibit bullying; and

- 1 2. Propose strategies pertaining to the prevention of bullying for incorporation in teacher
2 preservice training courses.

3 **SECTION 4.** A new section to chapter 15.1-19 of the North Dakota Century Code is created
4 and enacted as follows:

5 **Professional development activities.**

6 Each school district shall provide training in the prevention of bullying to its teachers
7 through professional development activities and to all volunteers and nonlicensed personnel
8 who have significant contact with students.

9 **SECTION 5.** A new section to chapter 15.1-19 of the North Dakota Century Code is created
10 and enacted as follows:

11 **Bullying prevention programs.**

12 Each school district shall provide bullying prevention programs to all students from
13 kindergarten through grade twelve and shall provide documentation regarding its bullying
14 prevention programs to the superintendent of public instruction, at the time and in the manner
15 directed by the superintendent.

16 **SECTION 6.** A new section to chapter 15.1-19 of the North Dakota Century Code is created
17 and enacted as follows:

18 **Causes of action - Immunity.**

- 19 1. This section does not prevent a victim from seeking redress pursuant to any other
20 applicable civil or criminal law. This section does not create or alter any civil cause of
21 action for monetary damages against any person or school district, nor does this
22 section constitute grounds for any claim or motion raised by either the state or a
23 defendant in any proceedings.
- 24 2. Any individual who promptly, reasonably, and in good faith reports an incident of
25 bullying, reprisal, or retaliation to the school district employee or official designated in
26 the school district policy is immune from civil or criminal liability resulting from or
27 relating to the report or to the individual's participation in any administrative or judicial
28 proceeding stemming from the report.
- 29 3. A school district and its employees are immune from any liability that might otherwise
30 be incurred as a result of a student having been the recipient of bullying, if the school

1 district implemented a bullying policy, as required by section 2 of this Act and
2 substantially complied with that policy.

3 **SECTION 7.** A new section to chapter 15.1-19 of the North Dakota Century Code is created
4 and enacted as follows:

5 **Internet safety measures - Policy requirement - Parental notification.**

6 The board of each school district shall develop and implement a policy setting forth internet
7 safety measures designed to protect students from inappropriate subject matter and materials
8 that can be accessed via the internet. The board shall provide a copy of the policy to the parent
9 of each student enrolled in the district.