

HOUSE BILL NO. 1465

Introduced by

Representatives R. Kelsch, Vigesaa, Gruchalla

Senators Flakoll, Wardner, Warner

1 A BILL for an Act to create and enact a new section to chapter 15.1-19 of the North Dakota
2 Century Code, relating to prevention of bullying in schools.

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 **School bullying prevention - Prohibition - Implementation - Immunity.**

7 **1. As used in this section:**

8 **a. "Bullying" means conduct occurring or received at school, including through**
9 **technology or electronic means:**

10 **(1) That is so severe, pervasive, or objectively offensive that it substantially**
11 **interferes with or impairs a student's educational opportunities or**
12 **benefits;**

13 **(2) That has the effect of substantially disrupting the orderly operation of the**
14 **school; or**

15 **(3) That places a student in actual and reasonable fear of harm to the**
16 **student's person or damage to the student's property.**

17 **b. "School" includes a classroom or other location on school premises, a**
18 **schoolbus or other school-related vehicle, a schoolbus stop, an activity or**
19 **event sponsored by a school, whether or not it is held on school premises,**
20 **and any other program or function where the school is responsible for the**
21 **child.**

22 **2. A person may not engage in bullying or reprisal or retaliation against a victim,**
23 **witness, or person who reports information about an act of bullying.**

1 3. a. Not later than June 30, 2012, each school district shall adopt a policy prohibiting
2 bullying at school. The school district shall involve parents and guardians, school
3 employees, volunteers, students, administrators, law enforcement, domestic
4 violence sexual assault organizations as defined by subsection 3 of section
5 14-07.1-01, and community representatives in the process of creating any policy
6 that is adopted subsequent to the effective date of this Act. The school district
7 shall submit the policies created under this section to the department of public
8 instruction. Policies created under this section shall be periodically reviewed and
9 may be revised as necessary.

10 b. The policy prohibiting bullying shall include, without limitation:

11 (1) A statement prohibiting bullying of a student;

12 (2) A definition of bullying which includes, at a minimum, the definition as
13 provided in this section;

14 (3) A provision that there will be consequences and appropriate remedial
15 actions for persons committing acts of bullying, or engaging in reprisal or
16 retaliation;

17 (4) Procedures for reporting and documenting acts of bullying, including a
18 provision for reporting anonymously. However, formal disciplinary action
19 shall not be taken solely on the basis of an anonymous report. The
20 procedures shall identify the appropriate school personnel responsible
21 for receiving a report and investigating a complaint, as well as a
22 schedule for document retention;

23 (5) Procedures for prompt investigation of reports or complaints of serious
24 violations. These procedures shall include a requirement that school
25 personnel notify local law enforcement immediately if the initial school
26 investigation creates a reasonable suspicion that a crime may have
27 occurred;

28 (6) A provision that prohibits reprisal or retaliation against a person who
29 reports or makes a complaint of bullying;

30 (7) A provision that the school will develop a strategy for protecting a victim
31 from additional bullying, and from retaliation following a report;

1 (8) A provision that there will be consequences and appropriate remedial
2 action for a person who is found to have made a false accusation, report,
3 or complaint;

4 (9) A method for discussing the district's bullying policy with students; and

5 (10) A statement of how the policy is to be publicized, including notice that
6 the policy applies to participation in functions sponsored by the school.

7 c. To assist local school districts in developing a policy under this subsection,
8 the department of public instruction, North Dakota school boards association,
9 and education standards and practices board shall not later than
10 December 31, 2011, develop model policies applicable to kindergarten
11 through grade twelve and teacher preparation program standards on the
12 identification and prevention of bullying. Upon request, the department may
13 provide training and technical assistance to districts in carrying out this
14 section.

15 d. Each local school board shall include the policy adopted by a school district
16 pursuant to this section in a publication of the comprehensive rules,
17 procedures, and standards of conduct for schools of a school district and in
18 each school's student's handbook.

19 e. Information regarding the school district's policy against bullying shall be
20 incorporated into each district's professional development programs and shall
21 be provided to volunteers and other noncertified employees of the district who
22 have significant contact with students.

23 f. School districts shall implement kindergarten through grade twelve bullying
24 prevention programs. Upon request, the department of public instruction shall
25 provide guidance in developing these programs. Upon adoption of the
26 program, but no later than June 13, 2013, each school district shall provide a
27 report of the prevention program and its implementation to the department of
28 public instruction.

29 4. This section may not be interpreted to prevent a victim from seeking redress
30 pursuant to any other applicable civil or criminal law. This section does not create
31 or alter any civil cause of action for monetary damages against any person or

1 school district nor does it constitute grounds for any claim or motion raised by
2 either the state or defendant in any proceedings. A school employee, volunteer, or
3 student, or a student's parent or guardian who promptly, reasonably, and in good
4 faith reports an incident of bullying to the appropriate school official designated by
5 the school district or accredited nonpublic school is immune from civil or criminal
6 liability relating to such report and to participation in any administrative or judicial
7 proceeding resulting from or relating to the report.