

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;

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

3                   (4) Substantially disrupts the orderly operation of the public school.

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

6           **Bullying - Prohibition by policy.**

7           1. Before July 1, 2012, each school district shall adopt a policy providing that while at a  
8                   public school, on school district premises, in a district owned or leased schoolbus or  
9                   school vehicle, at a schoolbus stop, or at any public school or school district  
10                   sanctioned or sponsored activity or event, a student may not:

11           a. Engage in bullying; or

12           b. Engage in reprisal or retaliation against:

13                   (1) A victim of bullying;

14                   (2) An individual who witnesses an alleged act of bullying;

15                   (3) An individual who reports an alleged act of bullying; or

16                   (4) An individual who provides information about an alleged act of bullying.

17           2. The policy required by this section must:

18           a. Include a definition of bullying that at least encompasses the conduct described  
19                   in section 1 of this Act;

20           b. Establish procedures for reporting and documenting alleged acts of bullying,  
21                   reprisal, or retaliation;

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

24           d. Set forth the disciplinary measures applicable to an individual who engaged in  
25                   bullying or who engaged in reprisal or retaliation, as set forth in subsection 1;

26           e. Require the notification of law enforcement personnel if an investigation by  
27                   school district personnel results in a reasonable suspicion that a crime might  
28                   have occurred;

29           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.