Sixty-sixth Legislative Assembly of North Dakota
In Regular Session Commencing Thursday, January 3, 2019

SENATE BILL NO. 2181
(Senators Poolman, Davison)
(Representatives Dockter, Heinert, Schreiber-Beck)

AN ACT to amend and reenact sections 15.1-19-17 and 15.1-19-18 of the North Dakota Century Code, relating to cyberbullying of students.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15.1-19-17 of the North Dakota Century Code is amended and reenacted as follows:

15.1-19-17. Bullying - Definition.

As used in sections 15.1-19-17 through 15.1-19-22:

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~~.~~; or

   c. Conduct received or sent by a student through the use of an electronic device while the student is outside a public school, off school district premises, and off school district owned or leased property and which:

      (1) Places the student in actual and reasonable fear of:

         (a) Harm; or

         (b) Damage to property of the student; and

(2) Is so severe, pervasive, or objectively offensive the conduct substantially interferes with the student's educational opportunities or substantially disrupts the orderly operation of the public school.

2. "Conduct" includes the use of technology or other electronic media.

SECTION 2. AMENDMENT. Section 15.1-19-18 of the North Dakota Century Code is amended and reenacted as follows:

15.1-19-18. Bullying - Prohibition by policy.

1. ~~Before July 1, 2012, each~~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 15.1-19-17;

   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~~have a reasonable suspicion that a crime might have occurred on or off school district property;

   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.

President of the Senate	Speaker of the House
Secretary of the Senate	Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-sixth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2181.

Senate Vote:	Yeas 46	Nays 1	Absent 0
House Vote:	Yeas 83	Nays 7	Absent 4

Secretary of the Senate

Received by the Governor at _____M. on _____, 2019.

Approved at _____M. on _____, 2019.

Governor

Filed in this office this _____day of _____, 2019,

at _____ o'clock _____M.

Secretary of State