

SELECT SCHOOL SAFETY ENACTMENTS (1994-2004)

Bullying and Student Harassment

Legislative responses to school violence are multifaceted and involve several systems including education, juvenile justice, mental health and health. This compilation presents examples of recent state enactments and is not inclusive of all legislative actions. For more information on specific issues, contact NCSL's Denver office.

2003 Arkansas Act 681, HB 2274 - Requires school districts to adopt policies to prevent student harassment and bullying. Policies must define bullying, prohibit bullying on school property, at school-sponsored activities and on school buses and state the consequences of engaging in bullying behavior. Also requires school employees to report incidents of bullying to the school principal and provides for immunity from tort liability for those who report but fail to remedy the incident. Requires the policy to be clearly communicated and available, reviewed by the State Board of Education and filed with the State Department of Education. Also adds bully prevention programs to the list of student services provided by school guidance counselors.

2001 Cal. Stats., A.B. 79, Chap. 646 - Requires the Department of Education to develop model policies on the prevention of bullying and on conflict resolution, makes the model policies available to school districts and authorizes school districts to adopt one or both policies for incorporation into the school safety plan.

2001, Cal. Stats., S.B. 257 - Specifies that, for school and law enforcement partnership purposes, school crime includes hate crimes and requires the comprehensive school safety plan to include development of a discrimination and harassment policy, as specified, and development of hate crime reporting procedures.

1998 Cal. Stats., A.B. 499 - Charges the State Board of Education to develop guidelines, adopt policies, and fund programs to create a school environment free from discriminatory attitudes and hate violence.

2001 Colo. Sess. Laws, S.B. 105 - Requires each school district to include a specific policy in the district conduct and discipline code concerning bullying prevention and education. Defines bullying as any written, verbal or physical act or gesture that is intended to inflict injury, violence or a reasonable fear of injury or violence upon one or more students in the school, on school grounds, in school vehicles or at school activities or sanctioned events. Requires school districts to submit their policy on bullying prevention and education, as well as information about any bullying

prevention program they have implemented, to the state board of education.

2002 Connecticut Public Act 2-119, SHB 5425 - Requires boards of education to develop a policy to address bullying. Requires the policy to: enable students to anonymously report acts of bullying; enable parents/guardians to file written reports of suspected bullying; require teachers and school personnel to report witnessed acts of bullying to school administrators; require school administrators to investigate any written reports of bullying submitted to them; requires parents/guardians of both suspected bullies and victims of bullying to be notified; requires schools to keep a record, open to public inspection, of all verified acts of bullying and the school's response to those acts; requires intervention strategy for school staff to deal with bullying and language in school codes of conduct that addresses bullying behavior.

2002 Acts, SB 291 - Expands education code to include the following offenses: verbal or physical assault, battery or disrespectful conduct directed at teachers, administrators, bus drivers and other school personnel, students or anyone attending school-related function or in a school vehicle. Requires student codes of conduct to include provisions governing conduct on public school buses. Prohibits students from physical violence, bullying, physical or verbal assault or battery on the school bus; bans disrespectful conduct toward the school bus driver or anyone on the school bus. Directs that students found by a tribunal to have committed an act of physical violence against a teacher, bus driver, school official, or school employee is expelled from the public school system for the remainder of the student's eligibility to attend public school. Allows the local board to permit the student to attend an alternative education program for the period of the student's expulsion.

1999 Georgia Laws, H.B. 84, Chap. 282 - Requires the implementation of a character education program at all grade levels that is to include methods of discouraging bullying and violent acts against fellow students. Adds razor blade to the definition of weapon.

2001 III. Public Act 92-060, H.B. 646 - Requires school boards, in consultation with parent-teacher advisory committees and other community-based organizations, to include provisions in student discipline policies to address students who have demonstrated behaviors that put them at risk for aggressive behavior, including bullying, as defined in the policy. Requires these provisions to include procedures for notifying parents or legal guardians and early intervention procedures based upon available community-based and district resources.

2001 III. Public Act 92-96, S.B. 1026 - Provides that whoever by threat, menace or intimidation prevents a child

entitled to attend a nonpublic school from attending that school or interferes with the child's attendance at that school is guilty of a Class A misdemeanor.

2001 La. Acts, H.B. 364, Act 230 - Requires local school boards to adopt policies prohibiting harassment, intimidation and bullying by students and protecting students and employees who report such incidents. Authorizes local school boards to adopt zero tolerance policies for fighting in schools and requires students expelled for fighting to pay for and attend conflict resolution classes with their parents.

2001 Miss. Laws, S.B. 2390 - Directs the State Board of Education to develop a list of recommended conflict resolution and peer mediation programs that address responsible decision making, the causes and effects of school violence and harassment, cultural diversity, and nonviolent methods for resolving conflict, including peer mediation. Requires the board to make the list available to local school administrative units and school buildings by the beginning of the 2002-2003 school year.

2001 Nev. State Laws, A.B. 459 - Requires the Nevada Department of Education to develop a model program of education prohibiting harassment, intimidation or discrimination in schools. Requires local districts to adopt the department policy and provide appropriate training for school personnel.

2004 N.H. Laws, HB 1162, Chap. 205 - **Requires school districts to notify parents about the district's policies on bullying and harrassment and the appeals process available at the state and local levels. Also requires a report of any bullying incidents to be made by telephone and in writing to the parents or legal guardians of the students involved.**

2002 N.H. Laws, S.B. 155 - Protects public and private school employees and contractors from liability for reporting acts of theft, destruction, violence (under RSA 193-D) or bullying (under RSA 193-F).

2000 N.H. Laws, S.B. 360 - Creates the Pupil Safety and Violence Prevention Act. Requires local school boards to adopt a pupil safety and violence prevention policy that addresses bullying and provides technical assistance. Requires school employees to report any information regarding bullying behavior to the school principal and provides immunity to any school employee who makes such a report from any cause of action arising from a failure to remedy the reported incident.

2002 New Jersey Laws, AB 1874 - Requires each school district to adopt a policy prohibiting harassment, intimidation or bullying on school property, at a school-sponsored function or on a school bus. The policy must include a definition of bullying behavior, consequences for engaging in such behavior, a procedure for investigation of reports of such behavior, a statement prohibiting retaliation or reprisal against persons reporting bullying behavior and consequences for making a false accusation. Requires school employees, students or volunteers to report any incidents of bullying, intimidation and harassment to appropriate school officials. Grants immunity from any cause of action for damages arising from a failure to remedy the reported incident to persons reporting these incidents.

2002 Oklahoma Sess. Laws H.B. 2215/ S.B. 992 - Enacts the Bully Prevention Act, defines bullying; amends 70 O.S. 2001, Section 24-100 to require Safe School Committees to give special attention to bullying, incidents of unwanted physical or verbal aggression and sexual harassment and make recommendations. Encourages community involvement, one-on-one student/staff relationships, use of problem solving teams of counselors and/or school psychologists and requires the review of bullying prevention programs utilized by other states, agencies or school districts. Requires each school district to have policies addressing the prevention of bullying and education about bullying behavior.

2001 Oregon Laws, H.B. 3403 - Requires school districts to adopt policies prohibiting harassment, intimidation, or bullying no later than January 1, 2004. Encourages including in the policy incident reporting and investigation procedures and a statement of consequences and appropriate remedial action for a person who harasses, intimidates, or bullies. Encourages formation of task forces and training at the school district level. Prohibits engaging in retaliation against a victim of, witness to, or person with reliable information about, an act of harassment, intimidation, or bullying. Encourages reporting of incidents and provides immunity to school employees who promptly report incidents in compliance with the policies adopted under the measure.

1997 Oregon Laws, H.B. 3544 - Requires the State Department of Education to establish a two-year pilot program to address problems associated with disruptive students in schools, including counseling and social work services, and parent counseling/training classes. Defines "serious offense" as a violation of a school district rule related to alcohol or drugs, arson, assault, firearms, extortion, harassment, intimidation or menacing, knives, reckless endangering, sexual harassment, theft, vandalism, or weapons.

2003 Rhode Island Acts, Chapter 213, HB 5919 - Defines harassment, intimidation and bullying and requires school boards to adopt policies prohibiting this behavior. Stipulates that policies must be adopted through a representative process including parents, school personnel, students and community members. Directs the state

department of education to develop a model policy by December 2003, to assist schools in the development of their policies by September 1, 2004. Requires schools to provide training to employees on the anti-harassment and bullying policy and to develop a process for discussion of the policy with students. Encourages schools to form bullying prevention task forces, programs and initiatives. Encourages school employees and students to report any incident of harassment, intimidation or bullying and provides for protection against liability for those who report but do not remedy the incident.

2004 Vermont Stats, Act 117, H. 629 - Defines bullying and requires schools to include bullying in their comprehensive plans for responding to student misconduct. Also directs the Commissioner of Education to update the model school plan on student discipline to include bullying prevention and distribute the new model plan to all superintendents, school boards and principals. Requires the model plan to: define bullying, enable students to report anonymously, enable parents to file written reports of suspected bullying, require teachers and other school staff to report witnessed acts of bullying or student-reported acts of bullying to school administrators, requires school administrators to investigate any written reports filed and to review anonymous reports, include an intervention strategy for school staff to deal with bullying, include anti-bullying policies and the penalties for bullying behavior in student handbooks, require schools to notify the parents of students who have committed verified acts of bullying as well as the parents of their victims; requires schools to collect data on the number of reported and verified instances of bullying and to make this data available to the commissioner, the public and the legislature.

1994 Vermont Stats, Act 162, S. 313 - Requires school boards to develop, adopt and make available to students and parents, policies prohibiting harassment of students in school. Unlawful harassment is defined as verbal or physical conduct based on race, creed, color, national origin, marital status, sex, sexual orientation or disability that has the purpose or effect of interfering with a student's educational performance or that creates an intimidating, hostile or offensive educational environment. Requires anti-harassment policies to include procedures for reporting and investigating complaints, consequences and remedial action for students who commit harassment, a statement prohibiting retaliation for reporting and procedures for educating students, staff and parents about the policy.

2002 Wash. Laws, H.B. 1444 - Relates to preventing harassment, intimidation, or bullying in schools; relates to the physical harm of a student or the students property; relates to false accusations; relates to students, school employees, or volunteers; provides that each school district shall adopt a policy that prohibits the harassment, intimidation, or bullying in schools.

2001 Wash. Laws, E.S.S.B. 6153 - Appropriates \$500,000 from the general fund for anti-bullying and anti-

harassment training at the school district level.

2001 Wash. Laws, H.B. 1041, S.B. 5842 - Allows parents to apply for a protection order when their child is being harassed by someone else under the age of 18, when the behavior rises to the level of unlawful harassment.

2001 West Virginia Acts, H.B. 3023, Chap. 103 - Requires county school boards to develop and adopt a policy prohibiting harassment, intimidation or bullying on school property or at school-sponsored events. Requires state board of education to develop a model policy to assist county boards. Requires policy to include definition, statement prohibiting harassment, intimidation or bullying, reporting procedures, notification of parents, procedures for response and investigation, process for documentation of incidents, strategy for protecting victims from further harassment or bullying after a report is made and a disciplinary procedure for students found guilty. Policy must be printed in student handbooks. Provides immunity against damages for good-faith reporting of incidents. Encourages, but does not require, bullying prevention programs and initiatives, teacher training and student education about the policy.