

HOUSE BILL NO. 233

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FOURTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES SALMON, Cissna, Wilson

Introduced: 3/23/05

Referred: House Special Committee on Education, Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to preventing harassment, intimidation, or bullying in public schools;**
2 **and providing for an effective date."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
5 to read:

6 FINDINGS. The legislature finds that

7 (1) a safe and civil environment in school is necessary for students to learn
8 and achieve high academic standards;

9 (2) harassment, intimidation, or bullying, like other disruptive or violent
10 behavior, is conduct that disrupts both a student's ability to learn and a school's ability to
11 educate its students in a safe environment;

12 (3) students learn by example;

13 (4) school administrators, faculty, staff, and volunteers are to be commended
14 for demonstrating appropriate behavior, treating others with civility and respect, and refusing

1 to tolerate harassment, intimidation, or bullying.

2 * **Sec. 2.** AS 14.33.120(a) is amended to read:

3 (a) Each governing body shall adopt a written school disciplinary and safety
4 program. The program required under this subsection must include written

5 (1) standards for student behavior and safety that reflect community
6 standards and that include, at a minimum, basic requirements for respect and honesty;
7 standards required under this paragraph must be developed and periodically reviewed
8 with the collaboration of members of each school, parents, teachers, and other persons
9 responsible for the students at a school; a governing body may require that standards
10 developed under this paragraph be consistent for all schools in an attendance area or
11 the district;

12 (2) standards relating to when a teacher is authorized to remove a
13 student from the classroom for

14 (A) failure to follow student behavior and safety standards; or

15 (B) behavior described under AS 14.30.045(1) or (2);

16 (3) procedures for notifying teachers of dangerous students consistent
17 with AS 47.12.310(b);

18 (4) standards relating to when a teacher, teacher's assistant, or other
19 person responsible for students is authorized to use reasonable and appropriate force to
20 maintain classroom safety and discipline as described under AS 11.81.430(a)(2);

21 (5) policies necessary to comply with provisions of state and federal
22 law, including 20 U.S.C. 1400 - 1485 (Individuals with Disabilities Education Act);

23 (6) standards to address needs of students for whom mental health or
24 substance abuse may be a contributing factor to noncompliance with the school
25 disciplinary and safety program;

26 (7) policies for implementing a student conflict resolution strategy,
27 including the nonviolent resolution or mediation of conflicts and procedures for
28 reporting and resolving conflicts;

29 (8) **policies necessary to implement the provisions of AS 14.33.125,**
30 **intended to prevent harassment, intimidation, or bullying in school;**

31 **(9)** procedures for periodic review and revision of the school

1 disciplinary and safety program.

2 * **Sec. 3.** AS 14.33 is amended by adding a new section to read:

3 **Sec. 14.33.125. Preventing harassment, intimidation, or bullying in school.**

4 (a) Each governing body shall adopt a policy prohibiting harassment, intimidation, or
5 bullying on or immediately adjacent to school grounds, at any school-sponsored
6 activity, on school-provided transportation, or at any official school bus stop. The
7 policy must include

8 (1) a statement prohibiting harassment, intimidation, or bullying of a
9 student;

10 (2) a definition of harassment, intimidation, or bullying at least as
11 inclusive as that in (h) of this section;

12 (3) consequences and appropriate remedial action for a person who
13 commits an act of harassment, intimidation, or bullying;

14 (4) a procedure for reporting an act of harassment, intimidation, or
15 bullying, including a provision that permits a person to report an act of harassment,
16 intimidation, or bullying anonymously; however, this paragraph may not be construed
17 to permit formal disciplinary action solely on the basis of an anonymous report;

18 (5) a procedure for prompt investigation of reports of violations and
19 complaints, identifying either the principal or the principal's designee as the person
20 responsible for an investigation;

21 (6) the range of ways in which a school shall respond once an incident
22 of harassment, intimidation, or bullying is identified;

23 (7) a statement that prohibits reprisal or retaliation against a person
24 who reports an act of harassment, intimidation, or bullying, and the consequences and
25 appropriate remedial action for a person who engages in reprisal or retaliation;

26 (8) consequences and appropriate remedial action for a person found to
27 have falsely accused another as a means of retaliation or as a means of harassment,
28 intimidation, or bullying; and

29 (9) a statement of how the policy is to be publicized, including notice
30 that the policy applies to participation in school-sponsored activities.

31 (b) Notice of the governing body's policy under this section shall appear in

1 any publication of the school district that sets out the comprehensive rules, procedures,
2 and standards of conduct for the school and in any student handbook.

3 (c) A school employee, student, or school volunteer may not engage in
4 reprisal, retaliation, or false accusation against a victim, witness, or individual with
5 reliable information about an act of harassment, intimidation, or bullying.

6 (d) A school employee, student, or school volunteer who has witnessed or has
7 reliable information that a student has been subjected to harassment, intimidation, or
8 bullying, whether verbal or physical, is encouraged to report the incident to the
9 appropriate school official designated by the governing body's policy.

10 (e) Schools and school districts are encouraged to form bullying prevention
11 task forces, programs, and other initiatives involving school staff, students,
12 administrators, volunteers, parents, law enforcement, and community members.

13 (f) To the extent funds are appropriated for these purposes, each school district
14 shall

15 (1) provide training on the school district's harassment, intimidation, or
16 bullying policies to school employees and volunteers who have significant contact
17 with students; and

18 (2) develop a process for discussing the district's harassment,
19 intimidation, or bullying policy with students.

20 (g) Information regarding the governing body's policy on harassment,
21 intimidation, or bullying shall be incorporated into each school's current employee
22 training program.

23 (h) In this section, "harassment, intimidation, or bullying" means a gesture or
24 written, oral, or physical act taking place on or immediately adjacent to school
25 grounds, at a school-sponsored activity, on school-provided transportation, or at an
26 official school bus stop that (1) a reasonable person under the circumstances should
27 know has the effect of harming a student or damaging the person's property, or placing
28 a student in reasonable fear of harm to the student's person or damage to the student's
29 property; (2) has the effect of insulting or demeaning a student or group of students in
30 a way that disrupts or interferes with the school's educational mission or the education
31 of a student; or (3) is reasonably perceived as being motivated either by an actual or

1 perceived characteristic involving race, color, religion, ancestry, national origin, sex,
2 sexual orientation, or mental, physical, or sensory handicap, including hearing loss or
3 deafness, visual loss or blindness, or a combination of hearing and visual loss.

4 * **Sec. 4.** AS 14.33.140 is amended to read:

5 **Sec. 14.33.140. Civil liability for enforcing disciplinary and safety**
6 **program.** A teacher, a teacher's assistant, a principal, or another person responsible
7 for students is not liable for civil damage resulting from an act or omission (1) arising
8 out of enforcement of an approved school disciplinary and safety program adopted
9 under AS 14.33.120 **or a policy prohibiting harassment, intimidation, or bullying**
10 **adopted under AS 14.33.125**; and (2) arising out of and in the course of employment
11 unless the act or omission constitutes gross negligence or reckless or intentional
12 misconduct.

13 * **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to
14 read:

15 **REQUIRED MODEL POLICY.** To assist school districts in developing policies for
16 the prevention of harassment, intimidation, or bullying, the Department of Education and
17 Early Development shall develop a model policy required under AS 14.33.125 applicable to
18 kindergarten through grade 12. This model policy shall be issued not later than December 1,
19 2005.

20 * **Sec. 6.** The uncodified law of the State of Alaska is amended by adding a new section to
21 read:

22 **FIRST REQUIRED POLICY.** A governing body shall adopt an initial policy required
23 under AS 14.33.125 by September 1, 2006.

24 * **Sec. 7.** This Act takes effect July 1, 2005.