

CS FOR HOUSE BILL NO. 233(EDU)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - SECOND SESSION

BY THE HOUSE SPECIAL COMMITTEE ON EDUCATION

Offered: 4/28/05

Referred: Judiciary, Finance

Sponsor(s): REPRESENTATIVES SALMON, Cissna, Wilson, Neuman, Kerttula

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 (5) some school districts have taken appropriate steps toward preventing
3 harassment, intimidation, or bullying in public schools.

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

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

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

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

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

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

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

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

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

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

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

31 (8) **policies necessary to implement the provisions of AS 14.33.125,**

1 **intended to prevent harassment, intimidation, or bullying in school;**

2 (9) procedures for periodic review and revision of the school
3 disciplinary and safety program.

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

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

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

10 (1) a statement prohibiting harassment, intimidation, or bullying of a
11 student;

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

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

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

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

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

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

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

31 (9) a statement of how the policy is to be publicized, including notice

1 that the policy applies to participation in school-sponsored activities.

2 (b) Notice of the governing body's policy under this section shall appear in
3 any publication of the school district that sets out the comprehensive rules, procedures,
4 and standards of conduct for the school and in any student handbook.

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

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

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

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

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

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

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

25 (h) In this section, "harassment, intimidation, or bullying" means a gesture or
26 written, oral, or physical act taking place on or immediately adjacent to school
27 grounds, at a school-sponsored activity, on school-provided transportation, or at an
28 official school bus stop that

29 (1) a reasonable person under the circumstances should know has the
30 effect of harming a student or damaging the person's property, or placing a student in
31 reasonable fear of harm to the student's person or damage to the student's property;

1 (2) has the effect of insulting or demeaning a student or group of
 2 students in a way that disrupts or interferes with the school's educational mission or
 3 the education of a student; or

4 (3) is reasonably perceived as being motivated either by an actual or
 5 perceived characteristic involving race, color, religion, ancestry, national origin, sex,
 6 sexual orientation, or mental, physical, or sensory handicap, including hearing loss or
 7 deafness, visual loss or blindness, or a combination of hearing and visual loss and has
 8 the effect of disrupting or interfering with the school's educational mission or the
 9 education of a student.

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

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

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

21 **REQUIRED MODEL POLICY.** To assist school districts in developing policies for
 22 the prevention of harassment, intimidation, or bullying, the Department of Education and
 23 Early Development shall develop a model policy required under AS 14.33.125 applicable to
 24 kindergarten through grade 12. This model policy shall be issued not later than December 1,
 25 2005.

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

28 **FIRST REQUIRED POLICY.** A governing body that does not, on the effective date
 29 of this Act, have a policy consistent with AS 14.33.125, as enacted by sec. 3 of this Act, shall
 30 adopt an initial policy required under AS 14.33.125 by September 1, 2006.

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