

**CS FOR HOUSE BILL NO. 482(EDU)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - SECOND SESSION

BY THE HOUSE SPECIAL COMMITTEE ON EDUCATION

Offered: 3/20/06

Referred: Health, Education and Social Services, Judiciary

Sponsor(s): REPRESENTATIVES ANDERSON, Kott, McGuire

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to harassment, intimidation, and bullying in schools."**

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

3 \* **Section 1.** AS 14.33 is amended by adding new sections to read:

4 **Article 4. Harassment, Intimidation, and Bullying.**

5 **Sec. 14.33.200. Harassment, intimidation, and bullying policy.** (a) By  
6 July 1, 2007, each school district may adopt a policy that prohibits the harassment,  
7 intimidation, or bullying of any student. Each school district shall share this policy  
8 with parents or guardians, students, volunteers, and school employees.

9 (b) The policy must be adopted through a process that includes representation  
10 of parents or guardians, school employees, volunteers, students, administrators, and  
11 community representatives. The policy must emphasize positive character traits and  
12 values, including the importance of civil and respectful speech and conduct, and the  
13 responsibility of students to comply with the district's policy prohibiting harassment,  
14 intimidation, or bullying. The policy must also include provisions for an appropriate  
15 punishment schedule up to and including filing a criminal complaint. Parents or

1 guardians, school employees, volunteers, students, administrators, and community  
2 representatives shall adhere to this policy. The school district's policy must include a  
3 reasonable balance between the pattern and the severity of such bullying behavior.

4 (c) By January 1, 2007, the department, in consultation with representatives of  
5 parents or guardians, school personnel, and other interested parties, shall provide to  
6 school districts a model harassment, intimidation, and bullying prevention policy and  
7 training materials on the components that should be included in a district policy.  
8 Training materials may be disseminated in a variety of ways, including workshops and  
9 other staff developmental activities, and through the Internet website of the  
10 department. Materials included on the Internet website must include the model policy  
11 and recommended training and instructional materials. The department shall also post  
12 a brief summary of the policies, programs, partnerships, vendors, and instructional and  
13 training materials for each school district and provide a link to the school district's  
14 Internet website for further information.

15 **Sec. 14.33.210. Reporting of incidents of harassment, intimidation, or**  
16 **bullying.** Beginning with the 2007 - 2008 school year, each school district shall  
17 report to the department by January 31 all incidents involving harassment,  
18 intimidation, or bullying on school premises or on transportation systems used by  
19 schools in the year preceding the report. The department shall compile the data and  
20 report it to the appropriate committees of the house of representatives and the senate.

21 **Sec. 14.33.220. Reporting; no reprisals.** (a) A school employee, student, or  
22 volunteer may not engage in reprisal, retaliation, or false accusation against a victim,  
23 witness, or person with reliable information about an act of harassment, intimidation,  
24 or bullying.

25 (b) A school employee, student, or volunteer who has witnessed, or has  
26 reliable information that a student has been subjected to, harassment, intimidation, or  
27 bullying, whether verbal or physical, is encouraged to report the incident to an  
28 appropriate school official.

29 **Sec. 14.33.230. Immunity from suit.** A school employee, student, or  
30 volunteer who promptly reports an incident of harassment, intimidation, or bullying to  
31 an appropriate school official and who makes this report in good faith and in

1 compliance with the procedures in the district's policy prohibiting harassment,  
2 intimidation, or bullying is immune from a cause of action for damages arising from a  
3 failure to remedy the reported incident or for making the report.

4 **Sec. 14.33.250. Definitions.** In AS 14.33.200 - 14.33.250,

5 (1) "district" has the meaning given in AS 14.17.990;

6 (2) "harassment, intimidation, or bullying" means an intentional  
7 written, oral, or physical act, including an act directed at a person because of that  
8 person's race, sex, color, creed, physical or mental disability, ancestry, or national  
9 origin or other distinguishing characteristics, when the intentional written, oral, or  
10 physical act

11 (A) physically harms a student or damages the student's  
12 property;

13 (B) has the effect of substantially interfering with a student's  
14 education;

15 (C) is so severe, persistent, or pervasive that it creates an  
16 intimidating or threatening educational environment; or

17 (D) has the effect of substantially disrupting the orderly  
18 operation of the school.