

CS FOR HOUSE BILL NO. 482(HES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - SECOND SESSION

BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered: 4/12/06

Referred: Judiciary, Finance

Sponsor(s): REPRESENTATIVES ANDERSON, Kott, McGuire, Ramras, Cissna, Gardner

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 shall 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 the standard policy making procedure
10 for each district that includes the opportunity for participation by parents or guardians,
11 school employees, volunteers, students, administrators, and community
12 representatives. The policy must emphasize positive character traits and values,
13 including the importance of civil and respectful speech and conduct, and the
14 responsibility of students to comply with the district's policy prohibiting harassment,
15 intimidation, or bullying. The policy must also include provisions for an appropriate

1 punishment schedule up to and including expulsion and reporting of criminal activity
2 to local law enforcement authorities. School employees, volunteers, students, and
3 administrators shall adhere to this policy.

4 (c) By January 1, 2007, the department, in consultation with representatives of
5 parents or guardians, school personnel, and other interested parties, may 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 may provide a
12 link to the school district's Internet website for further information.

13 **Sec. 14.33.210. Reporting of incidents of harassment, intimidation, or**
14 **bullying.** Beginning with the 2007 - 2008 school year, each school district shall report
15 to the department by November 30 all incidents resulting in suspension or expulsion
16 for harassment, intimidation, or bullying on school premises or on transportation
17 systems used by schools in the school year preceding the report. The department shall
18 compile the data and report it to the appropriate committees of the house of
19 representatives and the senate.

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

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

28 (c) This section does not prohibit discipline or other adverse action taken in
29 compliance with school district policies against a person who falsely and in bad faith
30 accuses a person of engaging in harassment, intimidation, or bullying or who
31 intentionally provides false information in connection with an investigation of an

1 alleged incident of harassment, intimidation, or bullying.

2 **Sec. 14.33.230. Immunity from suit.** A school employee, student, or
3 volunteer who promptly reports an incident of harassment, intimidation, or bullying to
4 an appropriate school official and who makes this report in good faith and in
5 compliance with the procedures in the district's policy prohibiting harassment,
6 intimidation, or bullying is immune from a cause of action for damages arising from a
7 failure to remedy the reported incident or for making the report.

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

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

10 (2) "harassment, intimidation, or bullying" means an intentional
11 written, oral, or physical act, including an act directed at a student because of that
12 person's race, age, sex, color, creed, sexual orientation, physical or mental disability,
13 ancestry, or national origin or other distinguishing characteristics, when the act is
14 undertaken with the intent of threatening, intimidating, harassing, or frightening the
15 student, and

16 (A) physically harms the student or damages the student's
17 property;

18 (B) has the effect of substantially interfering with the student's
19 education;

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

22 (D) has the effect of substantially disrupting the orderly
23 operation of the school.