

HB

482

ALASKA STATE LEGISLATURE

House of Representatives

COMMITTEE ASSIGNMENTS:

LABOR & COMMERCE COMMITTEE, CHAIRMAN
ADMINISTRATION REGULATION REVIEW COMMITTEE, CHAIRMAN
JUDICIARY COMMITTEE, VICE-CHAIR

website: <http://www.akrepublicans.org/Anderson.htm>



INTERIM
716 WEST 4TH AVE. JUE
ANCHORAGE, AK 99501
PHONE: (907) 269-0265
FAX: (907) 269-0264

SESSION
STATE CAPITOL
JUNEAU, AK 99801-1182
PHONE: (907) 465-4939
1-800-465-4939
FAX: (907) 465-2418

Representative Tom Anderson

email: Representative_Tom_Anderson@legis.state.ak.us

Sectional Analysis for CSHB 482 (EDU)

Section 1: Amends state law dealing with school safety and discipline by adding a new section Article 4 Harassment, Intimidation, and Bullying. The new Article 4 has five subsections:

Sec. 14.33.200: Harassment, intimidation, and bullying policy.

- (a) Requires school districts to adopt a policy on harassment, intimidation, and bullying by July 1, 2007 and share this policy with parents or guardians, students, volunteers, and school employees.
- (b) Outlines the policy adoption process, policy emphasis and other requirements to be included in the new policy.
- (c) Suggests the Department of Education to provide model policy to school districts by January 1, 2007. This will give school districts six months to adopt policy as required by (a).

Sec. 14.33.210: Reporting of incidences of harassment, intimidation, or bullying.

Beginning with the 2007-2008 school year, each school district may report to the Department all incidences involving harassment, intimidation, or bullying. The Department will then take all the data and report it to the House of Representatives and the Senate.

Sec. 14.33.220: Reporting; no reprisals.

- (a) A school employee, student, or volunteer is not allowed to engage in reprisal, retaliation, or false accusation against a victim or a witness.
- (b) A school employee, student, or volunteer who has witnessed, or has harassment information is encouraged to report the incident to an appropriate school official.
- (c) Does not prohibit actions taken with the school districts policy.

Sec. 14.33.223: Immunity from suit.

Any school employee, student, or volunteer who promptly reports an incident of harassment, intimidation, or bullying to an appropriate school official is immune from a cause of action for damages arising.

Sec. 14.33.250: Definitions.

Provides definitions of "district" and "harassment, intimidation, or bullying".

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SPONSOR STATEMENT FOR CSHB 482

TITLE: "An Act relating to harassment, intimidation, and bullying in schools."

House Bill 482 encourages school districts, city and borough offices of education, law enforcement agencies, and youth-serving agencies to develop and implement interagency strategies. Some of the possible programs may include in-service training programs and other activities to improve school attendance and reduce school crime and violence. HB 482 will reduce vandalism, drug and alcohol abuse, gang membership, gang violence, hate crimes, bullying, teen relationship violence, and discrimination and all harassment, including sexual harassment, in grades K-12.

Recent research studies suggest bullying has a negative effect on the social environment of schools. Bullying creates a climate of fear among students, inhibits their ability to learn, and leads to other anti-social behavior, such as vandalism, shoplifting, skipping and dropping out of school, fighting, and the use of drugs and alcohol. Sixty percent (60%) of the males studied who were bullies in grades six through nine were convicted of at least one crime as an adult. Thirty-five (35) to forty percent (40%) of these former bullies had three or more convictions by 24 years of age. Successful programs to recognize, prevent, and effectively intervene in bullying behavior have improved safety and create a more inclusive learning environment.

Currently, 20 states have an anti-bullying law: Arkansas, Arizona, California, Colorado, Connecticut, Georgia, Illinois, Indiana, Louisiana, Maine, New Hampshire, New Jersey, New York, Oklahoma, Oregon, Rhode Island, Tennessee, Virginia, Vermont, Washington and West Virginia. Also, 23 other states have introduced anti-bullying legislation so far for the 2005-2006 Session: Alabama, Arizona, Arkansas, Florida, Georgia, Hawaii, Idaho, Illinois, Iowa, Kentucky, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, New Jersey, New York, Ohio, Pennsylvania, South Carolina, Tennessee, Utah, West Virginia, and Wisconsin. Of those states that have bullying statutes, nine are adding/revising legislation.

Our children deserve to learn without fear in a safe school environment.

I ask for your support with HB 482.

Fairbanks Daily News-Miner

Don't be a bully

Wednesday, March 15, 2006 - Have things gotten so bad in Alaska schools that it's time for the state to step in with a law barring the harassment, intimidation or bullying of students? Apparently. Why else would Alaska need such a law as that under consideration later this week in the state House?

The superintendent of Fairbanks' public schools says she's noticed an increase in bullying in the past decade, and the school board in September adopted a policy against it. "Intentional and generally unprovoked attempts by one or more individuals to inflict physical harm or emotional distress upon another person or group is prohibited and may result in disciplinary action."

Seems pretty clear.

The item in the Legislature, House Bill 482, would require each school district to have a policy against such behavior, would require the state to help districts establish such policies, and would require districts to make annual reports to the Department of Education and Early Development, which would provide the results to the Legislature. Whether the bill goes anywhere is anyone's guess looking from the outside.

For the moment, though, the bill by Anchorage Republican Rep. Tom Anderson provides an opportunity to talk about bullying and the harm it can do. It's an opportunity to remind parents to talk to their children about what's right and what's wrong and how children should relate to one another.

Kids are kids, and they are mean to each other at times--often fiercely so. That's probably not going to change much, but that's no reason to accept bad behavior. Accepting it will only allow it to become more widespread. But what is bullying? How is a parent to recognize it to be able to deal with it?

Common sense will tell. Seeing some of the definitions in the school district's new policy does bring out the reaction, "Well, that's what kids do." Punching, hitting, hair pulling, biting, ostracizing, name-calling and so on. But the policy does include more serious forms of harassment and intimidation such as sexual propositioning and unwanted physical contact.

All of those, and other bullying, can disrupt a child's schooling and well-being. That's reason to strive to eliminate it.

Reducing the amount of bullying and harassment has been one of the topics in a grant-funded Safe Schools, Healthy Students program of the Fairbanks North Star Borough School District, which on April 19 is having a "Bullying Prevention" seminar for school administrators, school board members and parents.

The school district's workshop and the legislation to be discussed this week in Juneau both are opportunities to bring more public awareness to what can become a ruinous torment for a child.

Fairbanks Daily News-Miner

The cyber-bully: A new danger
By HEATHER STEWART

Wednesday, April 05, 2006 - When you say the word bullying, everyone has a picture in their mind of the schoolyard bully. However, bullying has reached far beyond the schoolyard fences. Children are now being bullied via the Internet, cell phones, Web pages and various other media. On any given day, any one of our children could be teased, threatened, or tormented by bullies. Nationally, according to a student survey by the University of New Hampshire, 1 in 17 children age 10 through 17 have been threatened online. When you consider 605 million people are online worldwide and that 20 percent of them are kids and teens between the ages of 12 and 17, that is an alarming number. A 2002 study in Great Britain reports 1 in 4 children are bullied online.

What is this new form of bullying? Bullying itself is intentional repeated aggressive behavior that involves an imbalance of power or strength between those involved. Cyber-bullying is repeated aggression and tormenting through e-mail, instant messaging, Internet chat rooms, and electronic gadgets like camera cell phones where bullies forward and spread hurtful images and messages. Bullies use this technology to harass victims at all hours, in wide circles, and at warp speed. The anonymity offered by this technology encourages some children to say things on the computer that they would never say face-to-face. Cyber-bullies feel removed from their actions and without tangible feedback (hurt feelings, tears) there is no remorse or empathy. This behavior peaks in middle school when adolescents are figuring out who their friends are and whether they fit in. Both boys and girls bully, and both get bullied.

Bullying is not an acceptable part of growing up.

All children involved in bullying incidents are at risk. Bullied children are more likely than their peers to be depressed, lonely, anxious, have lower self-esteem, and miss days from school. Children who bully are more likely than their peers to get into frequent fights, steal, damage property, drink alcohol, drop out of school, and carry a weapon. Children who watch but don't participate are also at risk. These "bystanders" tend to have diminished empathy, decreased trust in adults, and believe that bullying and aggression are acceptable behaviors.

That's the bad news. The good news is that we can decrease bullying if everyone--students, parents, schools and the community--gets involved. Preventing and stopping bullying takes a team effort.

The Fairbanks North Star Borough School District is taking a proactive approach to addressing bullying. Policies have been developed that define and outline consequences for intimidating behavior and bullying. School staffs are training on bullying prevention, and several schools are implementing anti-bullying programs. Schools are also on the alert to squelch cyber-bullying. School computers are monitored and, if used inappropriately, students face serious consequences.

Parents need to be part of the team. Parents: It is important to talk to your children about what they can and cannot do online. Learn everything you can about the Internet. Have your children show you "what's cool." "Surf the net" as a family. Place the computer in an area where you can monitor your children on the Internet. Talk about online safety such as protecting passwords, not talking to online strangers, and never meeting in person someone they met online. Look into safeguarding-programs or

options your online service provider might offer.

The cyber-bully believes they cannot be caught, but everyone leaves cyber-footprints. If you believe your child has been a victim of cyber-bullying, you should save the information. Keep copies of the e-mails, print the Web pages, leave the computer on, and call the authorities (Internet service provider, law enforcement officials, and your child's school).

The Safe Schools/Healthy Students project has the following materials available: "Take Action Against Bullying" (guide), "Bullying is Not a Fact of Life" (booklet), and "15+ Make Time to Listen-Take Time to Talk ... About Bullying" (conversation starter cards), to provide practical guidance so parents can intervene appropriately whether their child is the bully or is being bullied. Parents can pick up these materials from the Safe Schools/Healthy Students office at Ryan Middle School or by calling 452-4751 ext. 9396. Material is also available on line at www.northstar.k12.ak.us/safeschools/.

We have a responsibility to keep our children safe. By raising awareness about bullying and its negative impacts, educating ourselves on what we can do to break the cycle of violence and by addressing potentially harmful actions quickly before they escalate to chronic violent behavior, everyone's story can change for the better.

Heather Stewart is Safe Schools/Healthy Students director for the Fairbanks North Star Borough School District.

Web posted March 17, 2006

Legislation aims to help curb bullying *Juneau schools have already taken action*

By ERIC MORRISON
JUNEAU EMPIRE

It may be the school bullies who have to watch their backs in 2007.

House Bill 482, "An act relating to harassment, intimidation, and bullying in schools," was introduced to the House Special Committee on Education on Thursday morning. Sponsored by Rep. Tom Anderson, R-Anchorage, the bill allows schools to create anti-bullying policies to create safe and healthy learning environments in classrooms from Alaska.

"It's a very good thing for our students and I just hope they can learn in a very safe learning environment," legislative aide Crystal Novotney, who introduced the bill on behalf of Anderson, told the committee.

Some districts have acted already. Juneau School District's harassment policy covers bullying.

The bill would give schools the option of adopting a policy by July 1, 2007, to curb violence and intimidation in schools. It also would suggest that schools report any bullying activity to the Department of Education and Early Development by each January 31 beginning with the 2007-2008 school year. It also shields students, school employees and volunteers from reprisals or from lawsuits if they report such activity.

"A lot of time what happens in schools is they turn their other cheek, basically," Novotney said. "They understand that it's happening but the big debate is, 'Well kids will be kids.'"

The bill defines harassment, intimidation or bullying as an "intentional written, oral, or physical act" that causes physical harm, interferes with education, creates a threatening environment, or disrupts school operations.

Rep. Bob Lynn, R-Anchorage, said there are laws on the books that already protect students.

"This is another layer of paperwork that needs to be done that takes away the time of teaching basic subjects and also takes away the time supervising student behavior, which includes bullying," Lynn said.

National Education Association-Alaska Executive Director Tom Harvey testified before the committee, saying the bill provides a mechanism by which a school can produce a better climate for students to learn and teachers to teach. He said the bill would help because some schools in Alaska are getting falling grades under the federal No Child Left Behind Act, unable to meet the attendance requirements.

"Students stay home because they are bullied," Harvey said. "They stay home, they miss attendance schedules and we have a failing school under No Child Left Behind. That is not appropriate."

Rep. Carl Gatto, R-Palmer, questioned whether a certain amount of bullying is actually beneficial to a student's success.

"Is there a part of growing up where you have to have conflict or you won't tolerate society?" he said.

Sara Vitaska, a policy associate for the National Conference of State Legislatures, told the committee that 21 states have enacted anti-bullying legislation and at least 24 states introduced similar legislation in the 2005-2006 session.

With Lynn dissenting, the committee voted 4-1 to move the bill to the Health, Education and Social Services Committee. Rep. Peggy Wilson, R-Wrangell, and Rep. Woodie Salmon, D-Chalkyitsik, were absent.

Bullying Statistics

BULLYING STATISTICS

- Thirty percent (30%) of U.S. students in grades six through ten are involved in moderate or frequent bullying — as bullies, as victims, or as both — according to the results of the first national survey on this subject.
- Bullying is increasingly viewed as an important contributor to youth violence, including homicide and suicide. Case studies of the shooting at Columbine High School and other U.S. schools have suggested that bullying was a factor in many of the incidents.

RECENT STATISTICS SHOW THAT:

- 1 out of 4 kids is Bullied. The American Justice Department says that this month 1 out of every 4 kids will be abused by another youth.
- Surveys Show That 77% of students are bullied mentally, verbally, & physically.
- In a recent study, 77% of the students said they had been bullied. And 14% of those who were bullied said they experienced severe (bad) reactions to the abuse.
- 1 out of 5 kids admits to being a bully, or doing some "Bullying."
- 8% of students miss 1 day of class per month for fear of Bullies.
- 43% fear harassment in the bathroom at school.
- 100,000 students carry a gun to school.
- 28% of youths who carry weapons have witnessed violence at home.
- A poll of teens ages 12-17 proved that they think violence increased at their schools.
- 282,000 students are physically attacked in secondary schools each month.
- More youth violence occurs on school grounds as opposed to on the way to school.
- Playground statistics - Every 7 minutes a child is bullied. Adult intervention - 4%. Peer intervention - 11%. No intervention - 85%.

ACCORDING TO THE BUREAU OF JUSTICE STATISTICS - School Crime and Safety:

- 48% of males, and 26% of females reported they had been in physical fights.
- Those in the lower grades reported being in twice as many fights as those in the higher grades. However, there is a lower rate of serious violent crimes in the elementary level than in the middle or high schools.
- Teenagers say revenge is the strongest motivation for school shootings
 - — 87% said shootings are motivated by a desire to "get back at those who have hurt them."
 - — 86% said, "other kids picking on them, making fun of them or bullying them" causes teenagers to turn to lethal violence in the schools.
- Students recognize that being a victim of abuse at home or witnessing others being abused at home may cause violence in school.
 - — 61% said students shoot others because they have been victims of physical abuse at home.
 - — 54% said witnessing physical abuse at home can lead to violence in school.
- Students say their schools are not safe.

STATS 2001:

SELECTED SCHOOL VIOLENCE RESEARCH FINDINGS FROM 2001 SOURCES

- According to the latest poll, thirty-two percent of parents fear for their child's physical safety when the child is at school. Thirty-nine percent of parents with a child in grade six or higher are more likely to say they fear for their child's safety. Twenty-two percent of parents whose children are in grade five or lower fear for their child's safety. (*Parents Not Overtly Concerned About School Environments for Their Children*, Gallup News Service, 2001)
- Bullying generally begins in the elementary grades, peaks in the sixth through eight grades, and persists into high school. (*Addressing the Problem of Juvenile Bullying*, Office of Juvenile Justice and Delinquency Prevention, 2001)
- Among students, homicide perpetrators were more than twice as likely as homicide victims to have been bullied by peers. (*School-Associated Violent Deaths in the United States 1994-1999*, Centers for Disease Control and Prevention and U.S. Departments of Education and Justice, 2001; findings published by the *Journal of the American Medical Association*, 2001)

- Overall, almost eleven percent of a representative sample of youth reported bullying others sometimes, and almost nine percent admitted to bullying others once a week or more. Experiencing bullying was reported with similar frequency, with almost nine percent bullied sometimes and just over eight percent bullied once a week or more. (Bullying Behaviors Among US Youth, Journal of the American Medical Association, 2001)
- Of a representative sample of youth, almost thirty percent reported some type of involvement in moderate or frequent bullying, as a bully, a target, or both. (Bullying Behaviors Among US Youth, Journal of the American Medical Association, 2001)
- Bullying was reported as more prevalent among males than females and occurred with greater frequency among middle school-aged youth than high school-aged youth. For males, both physical and verbal bullying was common, while for females, verbal bullying and rumors were more common. (Bullying Behaviors Among US Youth, Journal of the American Medical Association, 2001)
- Research shows that those who bully and are bullied appear to be at greatest risk of experiencing the following: loneliness; trouble making friends; lack of success in school; and involvement in problem behaviors such as smoking and drinking. (Addressing the Problem of Juvenile Bullying, Office of Juvenile Justice and Delinquency Prevention, 2001)
- Seventy-four percent of 8 - to 11-year-old students said teasing and bullying occur at their schools. (Talking With Kids About Tough Issues: A National Survey of Parents and Kids, Kaiser Family Foundation and Nickelodeon, 2001)
- Though recent studies show that as many as seventy-five percent of children have been victims of bullying during their school careers, about half of parents in this survey see bullying as no problem for their children. (Are We Safe?: The 2000 National Crime Prevention Survey, National Crime Prevention Council, 2001)
- Thirty-nine percent of middle schoolers and thirty-six of high schoolers say they don't feel safe at schools. (2000 Report Card: Report #1, The Ethics of American Youth: Violence and Substance Abuse: Data & Commentary, Josephson Institute of Ethics, 2001)

— North Carolina Department of Juvenile Justice and Delinquency Prevention Center for the Prevention of School Violence

Statistics compiled by Kathy Knoll at: <http://hometown.aol.com/kthynoll>

April 24, 2001 (National Institutes of Health)

Bullying Widespread in U.S. Schools, Survey Finds:

- Bullying is widespread in American schools, with more than 16 percent of U.S. school children saying they had been bullied by other students during the current term, according to a survey funded by the National Institute of Child Health and Human Development (NICHD).
- The study appears in the April 25, 2001, Journal of the American Medical Association. Overall, 10 percent of children said they had been bullied by other students, but had not bullied others. Another 6 percent said that they had both been bullied themselves and had bullied other children. Another 13 percent of students said they had bullied other students, but had not been bullied themselves.
- "Being bullied is not just an unpleasant rite of passage through childhood," said Duana Alexander, M.D., director of the NICHD. "It's a public health problem that merits attention. People who were bullied as children are more likely to suffer from depression and low self-esteem, well into adulthood, and the bullies themselves are more likely to engage in criminal behavior later in life."
- The NICHD researchers surveyed 15,686 students in grades six-through-10, in public, parochial, and other private schools throughout the U.S. The nationally representative survey was part of the U.S. contribution to the World Health Organization's Health Behavior in School Children survey, an international effort in which many countries surveyed school-age children on a broad spectrum of health-related behaviors.
- For this study, researchers defined bullying as a type of behavior intended to harm or disturb the victim, explained the study's first author, Tonja R. Nansel, Ph.D. This behavior occurs repeatedly over time and involves an imbalance of power, with the more powerful person or group attacking the less powerful one, Dr. Nansel added. Bullying may be physical, involving hitting or otherwise attacking the other person; verbal, involving name-calling or threats; or psychological, involving spreading rumors or excluding a person.
- The children were asked to complete a questionnaire during a class period that asked how often they either bullied other students, or were the target of bullying behavior. A total of 10.6 percent of the children replied that they had "sometimes" bullied other children, a response category defined as "moderate" bullying. An additional 6.8 percent said they had bullied others once a week or more, defined as "frequent" bullying. Similarly, 8.5 percent said they had been targets of moderate bullying, and 8.4 percent said they were bullied frequently.
- Out of all the students, 13 percent said they had engaged in moderate or frequent bullying of others, while 10.6 percent said they had been bullied either moderately or frequently. Some students—6.3 percent—had both bullied others and been bullied themselves. In all, 29 percent of the students who responded to the survey had been involved in some aspect of bullying, either as a bully, as the target of bullying, or both.
- Bullying occurred most frequently in sixth through eighth grade, with little variation between urban, suburban, town, and rural areas; suburban youth were 2-3 percent less likely to bully others. Males were both more likely to bully others and more likely to be victims of bullying than were females. In addition, males were more likely to say they had been bullied physically (being hit, slapped, or pushed), while females more frequently said they were bullied verbally and psychologically (through sexual comments or rumors).

- Regarding verbal bullying, bullies were less likely to make derogatory statements about other students' religion or race. "There seem to be stronger social norms against making these kinds of statements than against belittling someone about their appearance or behavior," Dr. Nansel said.
- Both bullies and those on the receiving end of bullying were more likely to have difficulty adjusting to their environment both socially and psychologically. Students who were bullied reported having greater difficulty making friends and poorer relationships with their classmates. They were also much more likely than other students to report feelings of loneliness.
- "It's likely that kids who are socially isolated and have trouble making friends are more likely to be targets of bullying," Dr. Nansel said. "In turn, other kids may avoid children who are bullied, for fear of being bullied themselves."
- The study authors also reported that bullies were more likely to be involved in other problem behaviors, such as smoking and drinking alcohol, and to do more poorly academically. However, youth who were both bullies and recipients of bullying tended to fare the most poorly of all, experiencing social isolation, as well as doing poorly in school and engaging in problem behaviors, like smoking and drinking.
- "Unfortunately, we don't know much about this group," Dr. Nansel said. "We need to learn more about them to provide them with the help they need." She added that it is not known whether these children are first bullied by others and then imitate the bullying behavior they experienced, or if they are bullies who were later retaliated against.
- The study's authors concluded that the prevalence of bullying in U.S. schools suggests a need for more research to understand, and devise ways to intervene against, bullying. The authors noted that researchers in Norway and England have shown that school intervention programs can be successful. These programs focused on increasing awareness of bullying, increasing teacher and parent supervision, establishing clear rules prohibiting bullying, and providing support and protection for those bullied.

The NICHD is part of the National Institutes of Health, the biomedical research arm of the federal government. The Institute sponsors research on development before and after birth; maternal, child, and family health; reproductive biology and population issues; and medical rehabilitation. NICHD publications, as well as information about the Institute, are available from the NICHD Web site, <http://www.nichd.nih.gov>, or from the NICHD Information Resource Center, 1-800-370-2943; e-mail NICHDInformationResourceCenter@mail.nih.gov.

Close

LEGISLATIVE RESEARCH REPORT

MARCH 11, 2005



REPORT NUMBER 05.197

ALASKA SCHOOL DISTRICT POLICIES ON BULLYING AND HARASSMENT

PREPARED FOR REPRESENTATIVE SHARON CISSNA

BY KATHLEEN L. WAKFIELD, LEGISLATIVE ANALYST

You asked about Alaska school districts' policies regarding bullying and/or harassment. Specifically, you wished to know how districts define bullying and harassment, and how they determine the motivating factors behind the behavior.

POLICIES ON BULLYING AND HARASSMENT

We contacted all school districts in Alaska about their policies regarding bullying and/or harassment. We received responses from 17 districts: Copper River, Delta/Grady, Fairbanks North Star Borough, Haines Borough, Iditarod Area, Juneau, Kenai Peninsula Borough, Klawock, Lower Yukon, Mat-Su Borough, Mt. Edgecumbe, Northwest Arctic, Pribilof, St. Mary's, Southeast Island, Valdez, and Wrangell. We received the following responses:

- ◆ Three of these school districts have no policies on bullying or harassment: Lower Yukon, St. Mary's, and Valdez. All three districts indicated that they are developing such policies.
- ◆ Copper River, Klawock, and Mt. Edgecumbe have specific policies that prohibit bullying.
- ◆ Juneau includes bullying in its policy prohibiting harassment.
- ◆ Administrators in the Mat-Su Borough School District recently developed a policy on harassment that includes bullying. The school board will address this proposed policy at its next meeting.

- Kenai, Pribilof, and Southeast Island districts have no specific policies against bullying, but include references to bullying under "Violent and Aggressive Behavior" and/or "Positive School Climate."
- Eight districts include sexual orientation or sexuality as a protected class in their policies on bullying and/or harassment. These districts are Copper River, Fairbanks, North Star Borough, Haines, Juneau, Mat-Su, Mt. Edgecumbe, Northwest Arctic, and Pribilof.

The Association of Alaska School Boards (AASB) Policy Reference Manual also contains policies on harassment, bullying, violent and aggressive conduct, and sexual harassment. The AASB policies specifically address sexual orientation as a protected class. According to AASB officials, 43 school districts use the AASB policy system.¹ For example, the Iditarod, Northwest Arctic, and Pribilof school districts use the AASB policy on harassment, and administrators in Valdez are recommending that the board adopt this language on harassment, as well.² Since the policy on bullying was only released in January 2005, AASB officials do not know how many districts have adopted it, although they expect that most districts will eventually do so.

Most district policies require the school principal or a designee to investigate all reports of bullying and/or harassment, and to prepare a written report of the incident and findings. Policies provide for a range of sanctions for students found guilty of bullying or harassment, up to and including expulsion for the most serious offenses.

The attached table contains the definitions of bullying and/or harassment for the 17 districts that responded to our request, and for the AASB.

OTHER STATES' LAWS

Other states have also grappled with the issue of bullying in schools over the past several years. According to the National Conference of State Legislatures, lawmakers in Hawaii, Indiana, Kentucky, Massachusetts, Michigan, Nebraska, Nevada, New York, South Carolina, and Texas have introduced legislation this year that addresses school bullying. New Hampshire, New Jersey, Oklahoma, Oregon, Rhode Island, Vermont, and Washington have already passed legislation requiring school districts to adopt policies on bullying. In addition, a lawmaker in Washington introduced a bill this year—SB 5849—to expand the state's anti-bullying law to include "cyber-bullying," or the use of "electronic means" such as communication via electronic mail, internet-based communications, pager service, cell phones, and electronic text messaging.³

¹ Personal communication from Sharon Young, Associate Executive Director, Association of Alaska School Boards, March 7, 2005.

² Personal communications from Joyce Turner, Board Secretary, Iditarod Area School District, February 28, 2005; Robert Boyle, Superintendent, Northwest Arctic School District, February 24, 2005; Malcolm Fleming, Superintendent, Pribilof School District, February 24, 2005; Ernie Manzie, Superintendent, Valdez City School District, February 27, 2005.

³ We include a copy of SB 5849 as Attachment A.

In addition, the U.S. Congress has also considered bullying in schools. In 2004, Representative John Shimkus of Illinois introduced H.R. 4776 to amend the Safe and Drug-Free Schools and Communities Act to include bullying and harassment prevention programs. The bill died in committee.

FIRST AMENDMENT CONCERNS

While states and school districts continue to work to address bullying and harassment in schools, some challenges have been mounted due to concerns about violations of the First Amendment's free speech clause. For example, in 2001 an anti-harassment policy adopted by the Pennsylvania State College Area School District was challenged in district court.⁴ The plaintiffs—two students, and a school board member who also volunteered in the schools—argued that the policy prohibited their ability to express their beliefs about Christianity and certain moral topics such as homosexuality.

The district court disagreed with the plaintiffs, and granted the defendants' motion to dismiss. The plaintiffs appealed the case to the U.S. District Court of Appeals for the Third Circuit, which reversed the judgment, finding that the policy was "unconstitutionally overbroad since it appeared to cover substantially more speech than could be prohibited under the Tinker substantial disruption test." Maintaining that a substantial amount of offensive, distasteful speech still would not constitute actionable harassment under either federal or state law, the appeals court ruled in favor of the plaintiffs.

Also in 2001, a Christian Coalition group opposed SB 5528 and HB 1444, anti-bullying bills introduced in the Washington legislature. The group argued that the bills were "a cover for gay-rights efforts that could eventually force schools to teach about homosexuality in a positive light."⁵ Members of the coalition also contended that "anti-bullying policies in schools could violate the free-speech rights of students who expressed opposition to homosexuality."⁶

I hope you find this information to be useful. Please do not hesitate to contact us if you have questions or need additional information.

⁴ *David Warren Saxe v. State College Area School District*, 240 F.3d; U.S. App. (2001).

⁵ Mary Ann Zehr, "Legislatures Take on Bullies with New Laws," *Education Week*, May 16, 2001.

⁶ Washington lawmakers subsequently passed HB 1444, and the governor signed it into law, in 2002. We include copies of HB 1444 and RCW 28A.300.285 as Attachment B. We also include a copy of "Ask the Children: Youth and Violence—Students Speak Out for a More Civil Society, Summary and Discussion Guide," prepared by the Families and Work Institute and The Colorado Trust, as Attachment C.

School District Policies on Bullying and Harassment—Definitions

School District	Definition of Bullying	Definition of Harassment
<p>Association of Alaska School Boards</p>	<p>Bullying is the repeated intimidation of others by inflicting or threatening physical, verbal, written, electronic, or emotional abuse, or damage to another's property. Bullying may include, but is not limited to, conduct such as physical abuse, damage or theft of another's property, social exclusion from activities, verbal taunts, name-calling, rumors, innuendoes, drawings, jokes, gestures, pranks, and put-downs relating to real or perceived differences, including another's culture, race, ethnicity, gender, sexual orientation, religion, body size, physical appearance, clothing, personality, age, socioeconomic status, ability or disability, or other distinguishing characteristics. (Board Policy 5131.43(a))</p>	<p>Harassment means intimidation by threats of or actual physical violence; the creation by whatever means of a climate of hostility or intimidation; or the use of language, conduct, or symbols in such a manner as to convey hatred, contempt, or prejudice or to have the effect of insulting or stigmatizing an individual. Harassment includes, but is not limited to, harassment on the basis of race, sex, creed, color, national origin, religion, sexual orientation, marital status, pregnancy, parenthood, or disability. [Board Policy 5145.5(a)]</p>
<p>Copper River School District</p>	<p>Bullying is repeated intimidation of others by the real or threatened infliction of physical, verbal, written, electronic, or emotional abuse, or damage to another's property. Bullying may include, but is not limited to, conduct such as physical abuse, damage or theft of another's property, social exclusion from activities, verbal taunts, name-calling, rumors, innuendoes, drawings, jokes, gestures, pranks, and put-downs relating to real or perceived differences, including another's culture, race, ethnicity, gender, sexual orientation, religion, body size, physical appearance, clothing, personality, age, socioeconomic status, ability or disability, or other distinguishing characteristics. (Board Policy 5143)</p>	

Delta/Greely School District		Harassment means intimidation by threats of, or actual, physical violence; the creation by whatever means of a climate of hostility or intimidation; or the use of language, conduct or symbols in such a manner as to convey hatred, contempt or prejudice, or to have the effect of insulting or stigmatizing an individual. Harassment includes, but is not limited to, harassment on the basis of race, sex, creed, color, national origin, religion, marital status, or disability. (Board Policy 5005)
Fairbanks North Star Borough School District		Harassment includes but is not limited to any oral, written, or physical conduct relating to race, creed, sex, national origin, marital status, political or religious beliefs, physical or mental conditions, family, social or cultural background, or sexual orientation that is sufficiently severe, pervasive, or persistent that it substantially interferes with or limits an individual's academic performance or creates an intimidating, hostile or offensive academic environment. (Board Policy 1012)
Haines Borough Schools		Harassment means intimidation by threats of or actual physical violence; the creation by whatever means of a climate of hostility or intimidation; or the use of language, conduct, or symbols in such a manner as to convey hatred, contempt, or prejudice or to have the effect of insulting or stigmatizing an individual. Harassment includes, but is not limited to, harassment on the basis of race, creed, color, national origin, religion, sexual orientation, marital status, or disability. [Board Policy 4119.12(a), and 5145(a)]

Iditarod Area School District	No policies—adopted AASB policies on discrimination and sexual harassment.	
Juneau School District		<p>...the Board does not tolerate discrimination against, or harassment of, any member of the Juneau school community on the basis of race, color, creed, sex, national origin, age, political or religious beliefs, mental or physical condition or disability, marital status, changes in marital status, pregnancy, parenthood, social background, economic status, culture, or sexual orientation. Discriminatory harassment includes, but is not limited to, bullying, slurs, epithets, threats, derogatory comments, unwelcome jokes, teasing, stereotyping, sexual advances or requests for sexual favors, physical assault or abuse, or other forms of verbal or physical harassment which adversely affect a person's employment or education or creating an intimidating, hostile, or offensive educational or working environment. Harassment includes creation of a climate of hostility and intimidation; or the use of language, conduct, or symbols in such a manner as to convey hatred, contempt, or prejudice or to have the effect of insulting or stigmatizing an individual or group. (Board Policy 1120)</p>

Kenai Peninsula Borough School District	<p>No specific policy, but includes the following language on bullying under other sections:</p> <p>Violent and aggressive conduct: Violent and aggressive acts include, but are not limited to, possession, threat with or use of a weapon, physical assault, verbal abuse, intimidation, extortion, bullying, gang participation, harassment, stalking, defiance, and racial slurs.</p> <p>Positive School Climate: Students shall be subject to disciplinary procedures for bullying other students or for using insults, slurs, or fighting words which may disrupt school activities. (Board Policies 3522.6 and 5137)</p>	<p>Harassment means intimidation by threats of or actual physical violence; the creation by whatever means of a climate of hostility or intimidation; or the use of language, conduct, or symbols in such a manner as to convey hatred, contempt, prejudice or to have the effect of insulting or stigmatizing an individual. Harassment includes, but is not limited to, harassment on the basis of race, sex, creed, color, national origin, religion, marital status, disability, or any other real or perceived difference. (Board Policy 4119.12)</p>
Klawock City School District	<p>Bullying takes many forms: gossip, cruel comments, insults, snubbing, put-downs, threats (physical or verbal) and violent attacks. It is deliberate, hurtful behavior that is often repeated and a form of anti-social behavior that has no place at school. It is the intent of this policy to make sure all members of our school community remain vigilant and consistent to help insure that bullying behavior is actively resisted and stopped, and that we provide a safe school environment for all students. Any acts of bullying, at any level, will not be tolerated and will result in disciplinary action. (Board Policy 5131.95)</p>	
Lower Yukon School District	No formal policy.	No formal policy.
Matanuska-Susitna Borough School District	<p>Harassment, bullying, and discrimination are prohibited. Abusive language, sexual harassment, inappropriate physical contact, racial or ethnic slurs, hazing, and other similar provocative actions are included in these categories of prohibited conduct. Harassment is behavior which is intended to trouble or annoy someone. It is the exertion of power by one person over another; it may be based on misunderstanding or a deliberate act and often contains a subjective perspective. Discrimination and harassment may be based on culture, ability, physical appearance, size, sexuality, or religion, among other things. Bullying is defined as an aggressive behavior that is intentional and that involves an imbalance of power or strength. Harassment, bullying, and discrimination can take many forms such as hitting, tripping, kicking, punching, unwanted touching, name-calling, swearing, threatening, spreading rumors, ignoring, staring, gesturing, "standing over," preventing someone from joining in an activity, hiding, sending mean notes or e-mails, or damaging someone else's property. [Board Policy 5144.1(12)]</p>	

<p>MI. Edgcombe</p>	<p>Bullying is the reported intimidation of others by inflicting or threatening physical, verbal, written, electronic, or emotional abuse, or damage to another's property. Bullying may include, but is not limited to, conduct such as physical abuse, damage or theft of another's property, social exclusion from activities, verbal taunts, name-calling, rumors, innuendoes, drawings, jokes, gestures, pranks, and put-downs relating to real or perceived differences, including another's culture, race, ethnicity, gender, sexual orientation, religion, body size, physical appearance, clothing, personality, age, socioeconomic status, ability or disability, or other distinguishing characteristics.</p>	
<p>Northwest Arctic School District</p>		<p>Harassment means intimidation by threats of or actual physical violence; the creation by whatever means of a climate of hostility or intimidation; or the use of language, conduct, or symbols in such a manner as to convey hatred, contempt, or prejudice or to have the effect of insulting or stigmatizing an individual. Harassment includes, but is not limited to, harassment on the basis of race, sex, creed, color, national origin, religion, sexual orientation, marital status, pregnancy, parenthood, or disability [Board Policy 5145.5(a)]</p>
<p>Pribilof School District</p>	<p>No specific policy, but includes the following language on bullying under "Positive School Climate:" The schools shall not tolerate any comments or gestures which are vulgar or obscene or which denigrate others on account of gender, race, color, religion, ancestry, national origin, handicap or disadvantage. Students shall be subject to disciplinary procedures for bullying other students or using insults, slurs, or fighting words which may disrupt school activities. (Board Policy 5137)</p>	<p>Harassment means intimidation by threats of or actual physical violence; the creation by whatever means of a climate of hostility or intimidation; or the use of language, conduct, or symbols in such a manner as to convey hatred, contempt, or prejudice or to have the effect of insulting or stigmatizing an individual. Harassment includes, but is not limited to, harassment on the basis of race, sex, creed, color, national origin, religion, sexual orientation, marital status, pregnancy, parenthood, or disability. [Board Policy 5145.5(b)]</p>
<p>St. Mary's School District</p>	<p>No policy.</p>	<p>No policy.</p>

Southeast Island School District	No specific policy, but includes the following language on bullying under "Positive School Climate:" The schools shall not tolerate any comments or gestures which are vulgar or obscene or which denigrate others on account of gender, race, color, religion, ancestry, national origin, handicap or disadvantage. Students shall be subject to disciplinary procedures for bullying other students or using insults, slurs, or fighting words which may disrupt school activities. (Board Policy 5137)	
Valdez City School District	No policy.	May adopt Association of Alaska School Boards language for harassment.
Wrangell Public Schools	No policy.	Harassment on the basis of sex, color, race, religion, national origin, age, mental or physical disability, marital status, changes in marital status, pregnancy, or parenthood is specifically prohibited. Harassment includes, but is not limited to, slurs, epithets, threats, derogatory comments, unwelcome jokes, teasing, unwelcome sexual advances or requests for sexual favors, displaying offensive words, objects or pictures and other verbal or physical conduct which adversely affects an individual's educational opportunities, or has the purpose or effect of unreasonably interfering with an individual's education or creating an intimidating, hostile, or offensive education environment. (Board Policy IV-044.)

Notes: Please note that those districts that submitted their policies on bullying may also have policies on harassment. Most districts also have policies specific to sexual harassment. 1. This is the proposed policy for the Matanuska-Susitna Borough School District, which the board will address at their March 16, 2005 meeting.

Sources: Alaska Association of School Boards; school district superintendents.



Education Program

School Bullying: Legislation and Laws

2005 Enacted Legislation

Tennessee

HB 2114/SB 1621

Requires each Local Education Agency (LEA) to adopt a policy that prohibits harassment, intimidation, or bullying and to forward a copy of the policy to the commissioner of education by January 1, 2006; encourages school employees, volunteers, and students to report incidents of harassment, intimidation or bullying to the appropriate school authorities; provides school employee who promptly report an incident of harassment, intimidation, or bullying immunity against any suit based upon the reporting employee's failure to remedy the reported act; and encourages school districts to form harassment, intimidation or bullying prevention programs and task forces.

Virginia

HB 2266

Directs the Board of Education to include bullying in its standards for school board policies on student conduct and requires school boards to include (i) instruction on the inappropriateness of bullying in their character education programs and (ii) bullying provisions in their student conduct codes. In addition, the measure requires the reporting of incidents of stalking to principals and division superintendents. Finally, except as may be prohibited by federal law, regulation, or jurisprudence, principals must report certain violent acts, stalking, and other conduct to parents of the minor student who is the target of the conduct; included in this report is disclosure that the incident has been reported to law enforcement, and that the parent may contact law enforcement for further information. This bill is identical to HB 2879 (Marshall, R.G.).

HB 2267

Civil immunity; school employees or volunteers reporting alleged acts of bullying or crimes. Immunizes school employees or volunteers from civil liability for the prompt good faith reporting to the appropriate school official, in compliance with specified procedures, of any alleged acts of bullying or any crimes.

2004 Enacted Legislation

New Hampshire

HB 1162

Requires school districts to notify the parents or legal guardians of the district's policies on bullying and requires that a report of any bullying incidents be made by telephone and by a written report sent by mail to the parent or legal guardian of the pupils involved.

Vermont

HB 629

Directs schools to include bullying in their policies for responding to misconduct on and off school grounds; and directs the commissioner of education to update model policies on student discipline to include a definition of bullying, a process for reporting acts of bullying, and responses to bullying.

Harassment Legislation

State Anti-bullying Policies

	State Statute	Public School Requirements	Private Schools	Teacher State Training	Prevention and Response Programs
	X		X	X	X
			X		
	X				
		X			
		X	X	X	
				X	
		X			
		X			
			X		
Alabama	X		X	X	X
Arkansas					
Oklahoma	X				
Oregon			X		X
Rhode Island	X		X	X	X
Tennessee			X		X
Vermont	X	X	X	X	
Virginia	X	X		X	
Washington	X	X	X	X	
West Virginia	X		X	X	X

Prepared by the National Conference of State Legislatures -- March 2006
 Staff Contact: Sara Vitaska, (303) 856-1647, sara.vitaska@ncsl.org

Vermont**HB 113**

Makes a variety of changes to the guidelines for harassment policies that educational institutions are required to maintain. The general definition of harassment is expanded to include written or visual conduct and conduct motivated by a student's perceived as well as actual membership in a protected category. Racial harassment is defined to mean conduct directed at the characteristics of a student's or a student's family member's actual or perceived race or color and includes the use of epithets, stereotypes, racial slurs, comments, insults, derogatory remarks, gestures, threats, graffiti, displays, or circulations of written or visual material, and taunts on manner of speech and negative references to racial customs.

Virginia**HB1331**

Relating to Including hazing in the Board's guidelines and model policies for and school boards' regulations on codes of student conduct.

Archived Legislation**Select School Safety Enactments (1994-2003): Bullying and Student Harassment**

National Conference of State Legislatures (NCSL)

By Finessa Ferrell-Smith

SCHOOL BULLYING LAWS	
STATE/TERRITORY	CITATION
Arkansas	A.C.A § 6-18-514 (2004)
Arizona	HB 2368
California	Cal Ed Code § 32261, 32265, 32270, 35294.2
Colorado	C.R.S § 22-32-109.1 (2004)
Connecticut	Conn. Gen. Stat. § 10-222d (2003)
Georgia	O.C.G.A. § 20-2-751.4 (2004)
Guam	17 G.C.A § 3112.1
Illinois	105 ILCS 5/10-20.14 (2004)
Louisiana	La. R.S. 17:416.13 (2004)
New Hampshire	RSA 193-F3 (2004)
New Jersey	N.J. Stat § 18A:37-13 (2004)
New York	NY CLS Educ § 2801-a (2004)
Oklahoma	70 Okl. St. § 24-100.3-5 (2004)
Oregon	ORS § 339.356
Puerto Rico	L.P.R.A § 149f (2002)
Rhode Island	R.I. Gen Laws § 16-21-24 (2004)
Vermont	16 V.S.A. § 565 (2004)
Virginia	Va. Code § 22.1-208.01, 22.1-279.3:1, 22.1-279.6 (2005)
Washington	Rev. Code Wash. (ARCW) § 28A.300.285 (2004)
West Virginia	W. Va Code § 18-2C-1-5 (2004)

Source: NCSL 2005

Visitor counts for this page.

State	Bill Number	Last Action-Date	Summary
Alabama	HB 246	Jan-10, 2006—To House Committee on Education	N/A
Alaska	HB 233	Apr-28, 2005—From House Special Committee on Education: Do pass with substitute	Requires every governing body to adopt a policy prohibiting harassment, intimidation, or bullying.
Alaska	HB 482	Feb-13, 2006—To House Special Committee on Education	Outlines the requirement for adopting a policy prohibiting harassment, intimidation, or bullying. Outlines reporting procedures.
Arizona	HB 2325	Jan-17, 2006—Additionally referred to House Committee on Rules	Requires the school district to provide training to employed teachers to recognize and prohibit harassment, intimidation or bullying.
Arizona	HB 2368	Apr-20, 2005—Chapter No. 155	Requires every governing body to adopt a policy prohibiting harassment, intimidation, or bullying. Outlines reporting procedures.
Florida	HB 1303 SB 1848	Mar-29, 2005—In House. Laid on table. Apr-13, 2005—Withdrawn from further consideration.	Requires each local school district to adopt a policy prohibiting discrimination and harassment on school property, at school-sponsored functions, or on the school bus.
Florida	SB 1384	Jan-31, 2006—To Senate Committee on Education	Prohibits bullying or harassment of any student or school employee. Requires each local school district to adopt a policy prohibiting bullying and harassment on school property, at school-sponsored functions, or on the school bus. Outlines requirements for the policy.
Georgia	HB 424	Feb-10, 2005—To House Committee on Education	Allows each local education board to define bullying. Extends policies prohibiting bullying to apply to students from kindergarten to 12 th grade. Requires policies be developed in consultation with parent-teacher organizations, local school councils, and other

			community based organizations. Outlines minimum requirements for the policy.
Hawaii	HR 23 SCR 3	Apr-7, 2005—In House. Read third time. Passed House. Jan-25, 2006—Introduced	Requests schools to implement policy to reduce intimidation and promote safe and peaceful school environments that encourage learning.
Idaho	HCR 32	Feb-2, 2006—To House Committee on Education	Designates September 10-16, 2006, as Bullying Awareness Week
Illinois	SB 2630	Feb-16, 2006—Passed Senate***To House	Allows each school district to adopt policy preventing bullying in all grades
Indiana	SB 285	Apr-27, 2005—Public Law No. 106	Requires the department of education to develop training for identifying, preventing, and intervening in bullying. Outlines minimum requirements for policy preventing bullying.
Iowa	HB 382	Feb-23, 2005—In House Committee on Education	Requires the board of directors of each school district to adopt and implement a policy prohibiting bullying and harassment. Outlines minimum requirements for the policy.
Iowa	SSB 2126	Feb-8, 2006—To Senate Committee on Education	Requires the board of directors of each school district to adopt and implement a policy prohibiting bullying and harassment. Outlines minimum requirements for the policy.
Kentucky	HB 270	Feb-6, 2006—To Senate Committee on Education	Requires school districts to have plans, policies, and procedures for harassment, intimidation, or bullying. Outlines requirements for the policy.
Kentucky	SB 15	Jan-5, 2006—To Senate Committee on Education	Requires school districts to establish a code prohibiting harassment, intimidation, or bullying. Outlines requirements for the code.
Maine	HB 419	Jun-3, 2005—Public Law No. 307	Defines bullying and harassment as unacceptable student behavior.
Massachusetts	HB 1029	Sept-15, 2005—In Joint	Requires the Department of Education to adopt policy

		Committee of Education: Heard. Eligible for Executive Session	prohibiting bullying. Outlines minimum requirements for the policy.
Massachusetts	HB 1067	Sept-15, 2005—In Joint Committee on Education: Heard. Eligible for Executive Session	Establishes, in consultation with parents, guardians, teachers, administrators, students, student councils where applicable and, where appropriate, the community at large, each public school district shall promulgate and implement a safe school plan, including procedures for preventing and disciplining bullying.
Massachusetts	HB 1068	Sept-15, 2005—In Joint Committee on Education: Heard. Eligible for Executive Session	Requires each county/school board of education to establish a policy prohibiting harassment, intimidation or bullying. Outlines minimum requirements for the policy.
Massachusetts	HB 1109	Sept-15, 2005—In Joint Committee on Education: Heard. Eligible for Executive Session	Requires the commissioner of education to update and distribute a model school plan on student discipline on bullying.
Massachusetts	HB 1181	Sept-15, 2005—In Joint Committee on Education: Heard. Eligible for Executive Session	Requires the department of education to mandate every public school to create a "safe school plan." Outlines the requirements for the "safe school plan."
Massachusetts	HB 3809	Feb-15, 2006—In Joint Committee on Labor and Workforce Development: Set aside for Study	Requires the division on occupation safety to analyze the cost of psychological harassment in the workplace.
Michigan	HB 4026	Jan-27, 2005—To House Committee on Education	Requires the board of a school district or board of directors of a public school academy to adopt a bullying policy. Outlines minimum requirements for the policy.
Michigan	HB 4581	Mar-24, 2005—To House Committee on Education	Requires the board of a school district or board of directors of a public school academy to adopt a policy prohibiting harassment, intimidation or bullying at school. Outlines minimum requirements for the policy

Michigan	HB 5616	Jan-31, 2006—To House Committee on Education	Requires the board of a school district or board of directors of a public school academy to adopt a policy prohibiting harassment or bullying at school. Outlines minimum requirements.
Michigan	SB 44	Jan-25, 2005—To Senate Committee on Education	Requires the board of a school district or board of directors of a public school academy to adopt a policy prohibiting harassment, intimidation or bullying at school. Outlines minimum requirements for the policy.
Michigan	SB 369	Apr-12, 2005—To Senate Committee on Education	Requires the board of a school district or board of directors of a public school academy to adopt a policy prohibiting harassment, intimidation or bullying at school. Outlines minimum requirements for the policy.
Michigan	SB 1012	Jan-26, 2006—To Senate Committee on Education	Requires the board of a school district or board of directors of a public school academy to adopt a policy prohibiting harassment or bullying at school. Outlines minimum requirements.
Minnesota	HB 14	Jan-6, 2005—To House Committee on Education Policy and Reform	Requires the commissioner of education to make a model policy prohibiting intimidation and bullying available to school boards and schools. Requires each school board to adopt policy prohibiting intimidation and bullying of any student. Outlines minimum requirements for the policy.
Minnesota	HB 408 SB 40 SB 41	Jan-24, 2005—To House Committee on Education Policy and Reform Jan-6, 2005—To Senate Committee on Education Jan-6, 2005—To Senate Committee on Education	Requires the commissioner of education to make a model policy prohibiting intimidation and bullying available to school boards and schools. Requires each school board to adopt policy prohibiting intimidation and bullying of any student. Outlines minimum requirements for the policy.

Minnesota	HB 2152 SB 1939	Mar-29, 2005—To House Committee on Civil Law and Elections Mar-29, 2005—To Senate Committee on Judiciary	Allows school districts to release information on a juvenile pertaining to incidences of bullying to the juvenile justice system.
Missouri	HB 1218	Jan-27, 2006—To House Committee on Elementary and Secondary Education	Requires each school district to establish and adopt a policy prohibiting harassment, intimidation, or bullying at school. Outlines minimum requirements for the policy.
Missouri	HB 1502	Jan-26, 2006—To House Committee on Elementary and Secondary Education	Prohibits bullying or discrimination on school property, at any school function, or on a school bus. Requires each school district to establish and adopt a policy prohibiting harassment, intimidation, or bullying at school. Outlines minimum requirements for the policy.
Nebraska	LR 55	Mar-23, 2005—Passed Legislature	Designates September 12-16, 2005, as Nebraska School Bullying Awareness Week.
Nebraska	LR 109	May-9, 2005—To Legislative Committee on Executive Board	Authorizes a study to determine the feasibility of establishing a policy prohibiting bullying behavior in public schools.
New Jersey	AB 744 AB 3791 SB 993 SB 2222	Jan-10, 2006—To Assembly Committee on Education Feb-14, 2005—To Assembly Committee on Education Jan-17, 2006—To Senate Committee on Education May-23, 2005—From Senate Committee on Education	Prohibits bullying, intimidation and harassment from occurring through electronic communication including but not limited to, a telephone, cellular phone, computer or pager.
New Jersey	AB 1181	Jan-10, 2006—To Assembly Committee on Education	Appropriates \$70,000 in FY 2005 to the Department of Education to reimburse school districts for the costs of establishing programs for the prevention of

			harassment and bullying.
New Mexico	HJM 8	Jan-19, 2006—To Senate Committee on Corporations and Transportation.	Requests the Labor Department to convene a task force to study bullying in the workplace.
New York	AB 1755	Jan-21, 2005—To Assembly Committee on Education	Requires instruction on civility, citizenship and character education to include methods of discouraging bullying. Prohibits bullying on school property or school functions. Requires school employees to report suspected bullying. Specifies bullying shall be disciplined according to the district's code of conduct. Establishes aggravated harassment of a teacher or school personnel is a class B misdemeanor.
New York	AB 3185 AB 9406	Feb-1, 2005—To Assembly Committee on Codes Jan-11, 2006—To Assembly Committee on Codes	Prohibits bullying on school property or school functions. Requires school employees to report suspected bullying. Specifies bullying shall be disciplined according to the district's code of conduct. Grants immunity to school employees that report bullying. Requires the commissioner to create a central registry for reporting alleged bullying or hazing.
New York	AB 8218	May-12, 2005—To Assembly Committee on Education	Requires the commissioner, in consultation with parents, school personnel and other interested parties, to promulgate rules and regulations prohibiting bullying, harassment, or intimidation.
New York	SB 5703	Jun-15, 2005—To Senate Committee on Rules	Creates an anti-bullying act. Prohibits bullying on school property or school functions. Specifies bullying shall be disciplined according to the district's code of conduct.
Ohio	HB 276	Jan-31, 2006—To Senate Committee on Education	Requires each board of education, in consultation with parents, school employees, school volunteers,

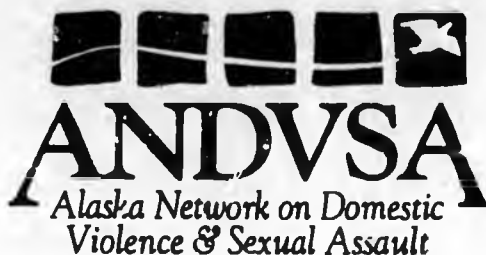
			students, and community members, to establish policy prohibiting bullying, harassment, or intimidation.
Pennsylvania	HB 178	Jun-29, 2005—In House. Laid on Table	Requests school entities to adopt policy prohibiting bullying, harassment, or intimidation.
Pennsylvania	HB 772 SB 1013	Mar-14, 2005—To House Committee on Education Nov-14 2005—To Senate Committee on Education	Requires each school district to develop a coordinated bullying and student intimidation prevention plan. Requires the plan to be submitted to the Department of Education for approval.
Pennsylvania	SB 71	Jan-31, 2005—To Senate Committee on Education	Requires all school entities to establish policy or student code of conduct prohibiting bullying.
South Carolina	HB 3573	Feb-16, 2005—To House Committee on Education and Public Works	Requires each local school district, in consultation with parents and guardians, school employees, volunteers, students, administrators, and community representatives, to adopt a policy prohibiting harassment, intimidation, or bullying at school.
Tennessee	HB 2114	May-19, 2005—Public Chaptered. Chapter No. 202	Requires each school district to adopt policy prohibiting harassment, intimidation or bullying. Outlines minimum requirements for the policy.
Tennessee	HB 2470 SB 2687	Feb-8, 2006—To House Committee on Education Feb-9, 2006—Introduced	Requires local education agency to adopt a policy prohibiting harassment, intimidation, or bullying of teachers by principals or administrators. Outlines minimum requirements for the policy.
Utah	SCR 1	Feb-16, 2006—To House Committee on Health and Human Services	Request parents, individuals, and organizations to review and assist in the adoption of policies prohibiting bullying.
Virginia	HB 2266 HB 2879	Mar-21, 2005—Acts of Assembly. Chapter No. 461 Mar-21, 2005—Acts of Assembly. Chapter No. 484	Requires bullying to be included in the code for student conduct.
Virginia	HB 2267	Mar-21, 2005—Acts of Assembly.	Prohibits a school employee or school volunteer from

		Chapter No. 462	being held liable for reporting alleged acts of bullying.
Washington	HB 1968	Mar-3, 2005—Referred to House Committee on Appropriations	Encourages employers to create policy prohibiting bullying in the workplace.
Wisconsin	AB 627 SB 310	Aug-30, 2005—To assembly Committee on Education Jan-6, 2006—In assembly. Amendment No. 3 offered.	Requires the Department of Public Instruction to create a model school policy on bullying. Requires each school board to develop and adopt a policy prohibiting bullying.

Created February 24, 2006

Source: Lexis Search

Juneau Office
130 Seward St #209
Juneau, Alaska 99901
Phone: (907) 586-3650
Fax: (907) 463-4493
www.andvsa.org



Sitka Office
PO Box 6631
Sitka, Alaska 99835
Phone: (907) 747-7545
Fax: (907) 747-7547

April 6, 2006

The Honorable Tom Anderson
State House of Representatives
Alaska State Capitol
Juneau, AK 99801-1182

Dear Representative Anderson:

The Alaska Network on Domestic Violence & Sexual Assault is a statewide coalition of member shelter and community based programs that provide direct services and advocacy for victims of domestic violence and sexual assault. We would like to thank you for introducing House Bill 482, "An Act related to harassment, intimidation, and bullying in schools", and offer our support.

Bullying in our schools is a form of interpersonal violence. As with all such violence, there can be devastating consequences and we must rise up as a community to condemn and prevent it. Many of our member programs work in schools across Alaska to teach children and staff about the damaging effects of bullying, and to teach them positive, effective responses. Unfortunately, all too often children tell us there is lots of bullying in their schools, they expect it and they think there's nothing adults can do to change it. We believe this legislation will be a positive influence and help protect children.

Thank you for your leadership in addressing this issue.

Please let me know if I can offer other support for this legislation.

Sincerely,

Peggy Brown
Executive Director

Member Programs

Anchorage AWAIC, AWRC, STAR Barrow AWIC Bethel TWC Cordova CFRC Dillingham SAFE Fairbanks IAC
Homer SPHH Juneau AWARE Kenai LeeShore Center Ketchikan WISH Kodiak KWRCC Kotzebue MFCC
Nome BSWG Palmer AFS Seward SCS Sitka SAFV Unalaska USAFV Valdez AVV

TESTIMONY HB 482
TOM HARVEY, NEA-ALASKA EXECUTIVE DIRECTOR

Chairman Neuman and members of the House Special Committee on Education. My name is Tom Harvey and I serve as the Executive Director for NEA-Alaska. NEA-Alaska represents over 11,400 active public school employees and over 1,300 retired public school teachers.

NEA-Alaska thanks Rep. Anderson for bringing this legislation forward. NEA-Alaska has adopted several resolutions that address the issues of harassment, intimidation and bullying.

We believe that a safe and effective school climate is necessary for promoting educational excellence in public schools. The Association also believes that all education employees, parents/guardians, students, school governing boards, and community members and agencies must work cooperatively to establish and maintain safe and orderly school communities. Students and education employees must be safe from physical, verbal, and psychological violence, the threat thereof, and all forms of harassment. There must be procedures to prevent and eliminate all types of harassment that might occur. Plans and procedures regarding discipline and/or harassment must include due process.

These plans and procedures must be provided to police and other community agencies that might be called upon when harassment, intimidation or bullying is detected. Parents/guardians must be made aware of the existence of these plans.

The Association also believes that students must be taught strategies and skills, including conflict resolution, that develop respect, self-discipline, and self-control. Students must learn to distinguish between their own rights and responsibilities and the rights and responsibilities of others. There must be appropriate services and placement within regular education and alternative education programs and/or with state and/or community agencies for students who disrupt the learning environment or who are dangerous to other students, education employees, and themselves.

The Association believes that a safe and effective school has a positive environment in which education employees, students, parents/guardians, and the community care for, communicate with, respect, understand, and trust each other.

The Association has developed several resources for schools, parents, students and community groups to utilize in their efforts to combat harassment, intimidation and bullying. Those resources are attached to this testimony.

Every school in Alaska ought to be a sanctuary where all students can learn, teachers can teach, and other school employees can work without the fear of intimidation or harassment. Many school districts are already engaged in good efforts to address these issues. Rep. Anderson's proposed legislation guarantees that every school will take the steps necessary to provide a good school climate for learning.

Safe Schools Manual: A Resource on Making Schools, Communities, and Families Safe for Children

NEA's *Safe Schools Manual: A Resource on Making Schools, Communities, and Families Safe for Children* synthesizes the best research on school safety and offers guidelines on making children safe in three broad areas: schools, communities, and families. This important publication was updated in October 2005. Please use this resource in your community. <http://www.nea.org/schoolsafety/safeschoolsmanual.html>

NEA School Safety Resources

<http://www.nea.org/schoolsafety/nearesources-schoolsafety.html>

NEA's National Bullying Awareness Campaign

NEA has been working with other national organizations to reduce, and eventually eradicate, bullying in America's public schools. Read [more about the problem and how you can help](#). And here are some additional resources here on www.NEA.org on bullying:

- [The ABCs of School Bullying](#): Tips for parents and teachers
- [Stop Bullying Now!](#): activities to teach tolerance and prevent bullying
- [Conflict Resolution](#): From bullying to international justice, activity ideas from PBS TeacherSource address conflict resolution
- [A Child's Plea Becomes an Adult's Crusade](#): Author Jodee Blanco talks about bullying
- [Are You a Bully?](#): Do teachers bully, too? Or, is it good classroom management?

Testimony in Favor of HOUSE BILL No. 482 (EDU)

Submitted by

Allan A. Morotti, Ph.D.

Associate Professor

University of Alaska Fairbanks

I am in favor of this legislation as it addresses directly a significant safety issue facing public and private education today. I offer the following studies as cited in the book titled *Bullying from Both Sides: Strategic Interventions for Working with Bullies and Victims* by Dr. Walter Roberts, Jr. (2005) for support for my position. In addition to this work, Dr. Roberts and I have published and presented on this topic together at the national level.

American Association of University Women Educational Foundation
Hostile Hallways: Bullying, Teasing, and Sexual Harassment in School (2001)

2,064 students, ages 8-11, were surveyed on their experiences with both sexual and generic harassment.

83% of girls and 79% of boys reported having experienced some form of harassment in their schools.

76% of all students indicated that this harassment was nonphysical.

58% of all students indicated that this harassment was physical.

28% of boys and 15% of girls indicated that the gym locker room as a location to receive nonphysical harassment.

15% of boys and 9% of girls indicated that the restroom was also a location to receive nonphysical harassment.

Approximately 56%-to-61% of both physical and nonphysical harassment was reported as happening in the classroom where a teacher was present.

Approximately 64%-to-71% of both physical and nonphysical harassment occurred in school hallways.

Kaiser Family Foundation and Nickelodeon Television
Talking with Kids About Tough Issues: A National Survey of Parents and Kids (2001)

This survey included responses from 823 children and adolescents.

55% of 8-11 year olds and 68% of 12-15 year olds said that bullying was a significant problem for children their age.

74% of 8-11 year olds and 86% of 12-15 year olds indicated that children were bullied or teased in their schools.

43% of 8-11 year olds and 67% of 12-15 year olds indicated that peers in their schools were treated badly because they were different.

38% of 8-11 year olds and 60% of 12-15 year olds reported that peers in their schools were threatened with violence.

54% of 8-11 year olds and 40% of 12-15 year olds said that they would like to know more about ways to stop bullying and teasing.

**The Journal of the American Medical Association (JAMA)
*Bullying Behaviors Among U.S. Youths: Prevalence and Association with Psychological Adjustment (2001)***

JAMA surveyed approximately 16,000 6th through 10th grade students in both American public and private schools.

Approximately 30% of the students said that they were somehow involved in a bully-victim relationship either as a bully, victim, or both.

Approximately 56% of the students reported either being hit, slapped, or pushed.

Nearly 60% of the students indicated that they had been subjected to rumors at one time or another.

More than 50% of the students stated that they had been the victim of comments regarding their sexuality, or of a sexual nature, or had sexual gestures made toward them.

Furthermore, a fact commonly cited in the ultimate act of violence toward others (i.e., school shootings) is that over 50% the "school shooter(s)" have been reported as having a history of being bullied or harassed at school. In utilizing research on this topic in our national presentations (Roberts & Morotti) there identifiable consequences related to the fear of being victimized in school. These include: distraction from educational goals; decline in academic performance as evidenced by the correlation between fearfulness and lower GPAs; increased absence rates with no attending illnesses; and a decline in students' ability to learn in class. Therefore, based upon this knowledge I fully support HB 482 in order to make our schools a safe learning environment for all children and adolescents.

Respectfully yours,

Allan Morotti, Ph.D.

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: CSHB 482(EDU)
 (H) Publish Date: 3/20/06

Revision Date/Time (Note if correction): _____ Dept. Affected: LAW
 Title "An Act relating to harassment, intimidation, RDU CIVIL
and bullying in schools." Component Labor and State Affairs
 Sponsor Representative Anderson
 Requester House Special Committee on Education, Health.. Component No. _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2006) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill creates Article 4 in AS 14.33 requiring each school district to adopt a policy that prohibits the harassment, intimidation, or bullying of any student. It also requires that the policy be shared with parents or guardians, students, volunteers, and school employees. The bill further requires that violations of the policy be reported to the Department of Education and Early Development, and it prohibits reprisal against and provides immunity from suit to those who report violations of the policy in good faith.

Passage of this legislation will not have a fiscal impact on the Department of Law.

Prepared by: Kathryn Daughhete, Director
 Division: Administrative Services Division
 Approved by: Kathryn Daughhete for David Márquez, Attorney General
 Agency: Department of Law

Phone 465-3673
 Date/Time 3/14/06 9:54 AM
 Date 3/14/2006

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: 2
 Bill Version: CSHB 482(EDU)
 (H) Publish Date: 3/20/06

Revision Date/Time (Note if correction): _____ Dept. Affected: EED
 Title An Act relating to harassment, intimidation, RDU Teaching & Learning Support
and bullying. Component Student & School Achievement
 Sponsor Anderson
 Requester House Education Component No. 2796

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services	35.0					
Travel	5.0					
Contractual	60.0					
Supplies	10.8					
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	110.8	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	110.8					
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	110.8	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2006) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time						
Part-time	1					
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill would require EED staff to meet and work with a variety of statewide groups to develop model policies and training materials on harassment, intimidation, and bullying prevention and disseminate those resources to school districts. EED staff would need to research nationally recommended models, develop a sample model policy, and plan and facilitate specific training requirements for school district staff. This bill also requires the department to report currently uncollected incidents of harassment to the Legislature in an unspecified format.

Prepared by: Barbara Thompson Phone 465-8727
 Division Teaching & Learning Support Date/Time 3/15/06 1:30 PM
 Approved by: Roger Sampson, Commissioner Date 03/15/2006
 Agency Education and Early Development